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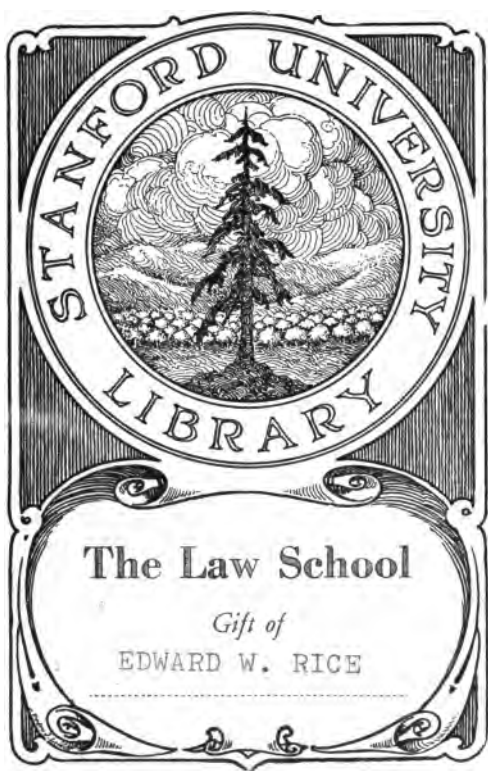
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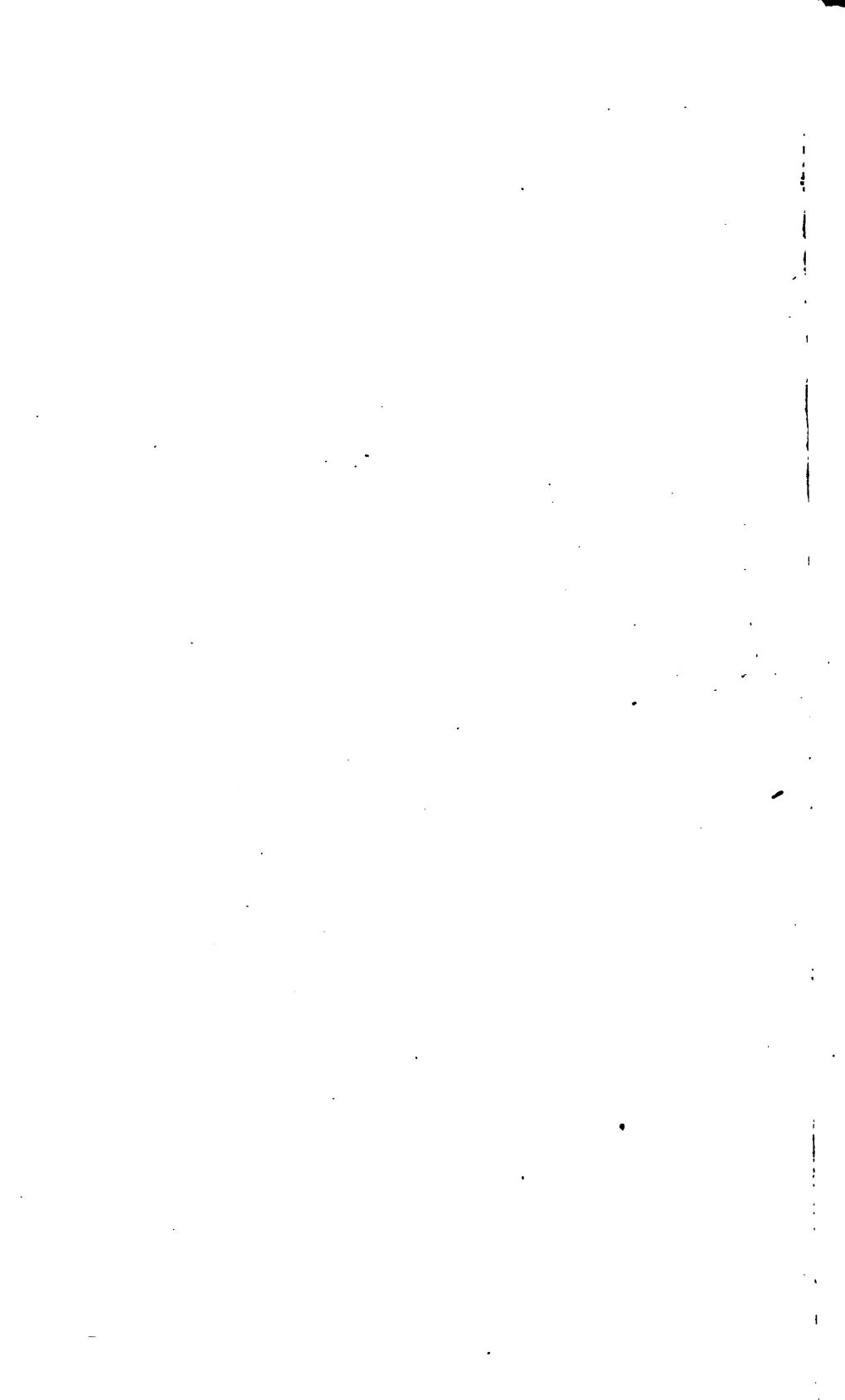
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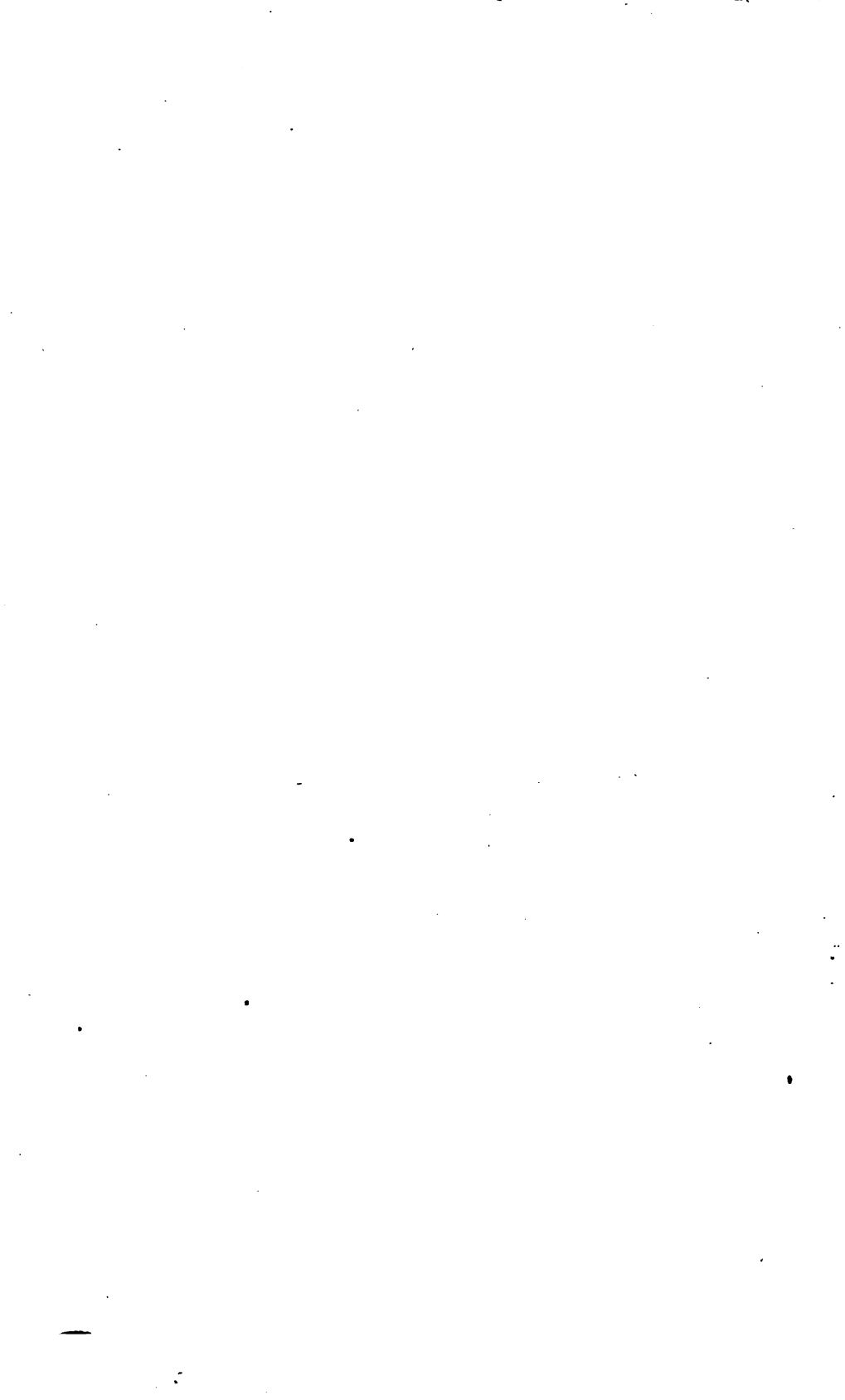
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THE ANATOMY  
OF THE  
NAVIGATION LAWS.



# THE ANATOMY

OF THE

## NAVIGATION LAWS.

BY JOHN LEWIS RICARDO, ESQ., M.P.

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*"Error est non minus vetus quam pestilens, quo multi mortales, ù autem maxime qui plurimum vi atque opibus valent, persuadent sibi, aut, quod verius puto, persuadere conantur, justum atque injustum non suapte natura, sed hominum inani quadam opinione atque consuetudine distingui."*

GROTIUS—DE MARI LIBERO.

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## P R E F A C E.

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IN the last Session of the late Parliament, a Select Committee was appointed to inquire into the operation and policy of the Navigation Laws.

This Committee sat more than five months, examined upwards of thirty witnesses, and finished on the 17th July of the present year, by reporting "the Minutes of Evidence taken before the Committee, as the period of the Session did not admit of their making any Report thereon."

It would be unbecoming in me to hazard a conjecture as to the result of the investigation in the minds of the other members of the Select Committee; for myself, I am free to acknowledge, that it confirmed my previous impression of the impolicy and mischievous tendency of the maritime laws of Great Britain; and I have relied mainly in this treatise on the testimony of witnesses examined on both sides of the question, to substantiate the opinions I have expressed, and the arguments by which those opinions are maintained.

For the rest, the work must speak for itself.

I cannot conclude this brief preface without acknowledging the able assistance which I have received from Mr. Robert R. R. Moore, to whose talent and industry I have been much indebted.

J. LEWIS RICARDO.





INTRODUCTORY SKETCH  
OF THE  
HISTORY OF THE NAVIGATION LAWS.

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THE STAPLE.

THE date in the margin is that of the most ancient return of the exports, imports, and customs of England. The account is preserved in the Exchequer, and is worth looking at, and thinking over. Wool, woolfels (sheep-skins), hides, cloth, and worsted stuffs were the whole of the exports; their total value £212,338. 5s., and they paid customs £81,846. 12s. 2d.

A.D. 1354.  
Early trade.

The imports were fine cloths, wax, wine, linens, mercery, grocery, and a few other less important articles, the total value being £38,383. 16s. 10d.\*

The several articles of export in the old return were from a very early date, required to be brought to some one place to be weighed or measured as the case might be, and to pay the duty before they could be sold. This general taxing-market was called the King's staple; the goods brought rejoiced in the name of staples, the dealers in them were called merchants of the staple, and we have laws and ordinances innumerable, and in all manner of contradiction and confusion about these markets and goods and merchants. At first, the staples were in England, but in Edward the second's reign, we

The one market.

A.D. 1313.

\* Macpherson's Annals of Commerce, vol. i. p. 553.

find a charter allowing the mayor and council of the merchants of the staple to compel foreign merchants as well as English, to give up the practice of carrying the wool and sheep-skins they bought in England for export to several places in Brabant, Flanders and Artois, and that in future, they must carry them all for sale to Antwerp only.\* This contrivance worked

A.D. 1326.

so ill, that a Royal order, in 1326, fixed the staples, at home again. We have no list of the markets named then, but find that Cardiff in Wales was one of them, and that the town belonged to Hugh Despenser, from which we may infer, that men of influence could get these staples fixed in their own towns for their own benefit, and that the law in such case cared very little for the convenience either of the seller, or his customers. Two years, however, after the return of the staples from their excursion to Antwerp they were all unsettled again, it being enacted

A.D. 1328.

2nd Edward  
III. c. 9.

*"That the staples beyond the sea, and on this side, ordained by kings in times past shall cease, and that all merchants, (foreigners and natives), may go and come with their merchandizes into England, after the tenor of the great charter."*

Perhaps some vague notion obtained just then, that it might be as well to let home and foreign merchants buy and sell where they found the greatest abundance of goods and customers; but this was too natural a course to be acted upon long, and in four years the markets were fixed again. Two years afterwards, a Parliament at York abolished them; and then in seven years by Royal Act, the foreign staple was set up again at Bruges.

A.D. 1332.

A.D. 1341.

In 1348, Edward III. got possession of Calais, cleared out the native population, except one priest, and two lawyers, established thirty-six London merchants there, and for their prosperity, ordered that all tin, lead, feathers, English made woollen-cloths and worsted stuffs, must for seven years be carried to Calais to be sold.

\* Pictorial History, vol. i. p. 824.

The seven years' market was not continued to Calais. At the expiration of five years, the statute of staples ordained the removal of the continental staple, and the fixing of it, *for ever*, in certain English towns. The which *for ever* proved to be ten years, the staple was then again fixed at Calais. Six years afterwards, the fortune of war sent it back to England, and in seven other years, the complaints of the inhabitants of Calais, that their city was sinking into decay and ruin, gained them once more the much sought-after staple, with certain additions, by way of compensation for lost time; for besides the lead, tin, and so forth, all cheese, butter, honey, tallow, skins, and osiers, were sent the same desirable voyage, and were all to be sold at the one town of Calais, which was, in fact, made the market general of the kingdom.

This limitation did not work well, and there were various exceptions, and alterations, and counter enactments, until at length the staple was held at one part of the year in England, at the other in Calais, and the lords of the council could order it to be held at whatever towns they pleased. *"Staples and restraints in England, and a second staple and other restraints at the same time on the continent, the condition of the merchants who were obliged to deal in staple goods, was truly pitiable in those days."* So says Macpherson, in his history of the commerce of that period. We agree with him; the condition of the merchant was truly pitiable then, and so it has been more or less ever since. The law has never rested from meddling, and has never meddled but to do mischief.

Pitiable condition of merchants.

During the very period when early Kings and Parliaments were be-puzzled with devices to make the navy great, there existed the oddest net-work of laws that perverse ingenuity could have devised, if it had set itself to work with the express purpose of breaking down trade and forcing the navy into littleness.

Herrings were to be caught and sold and salted by rule.

More restrictions.

No iron was to be exported, nor were cloth, butter, cheese, sheep, malt, or beer.

Stat. 2, 31st Edward III.  
28th Edward III. c. 5.

Merchants were to make election of one kind of goods to deal in.

Artificers of one occupation to work at.

Boys and girls born to husbandry and keeping to it until twelve years of age, must never quit it.

It was settled by law, how ploughmen, servants, tradesmen, gentlemen, knights, clergy, and all their wives and daughters should be dressed.

37th Edward  
III.

The wages of labour were fixed, and men compelled under heavy penalties to work for the fixed rate, and so on through a multitude of statutes, with the very last representative of which we now wage war.

The Staple was of the same order as the Navigation Law, and the law-givers of that time in their wildest dreams of legislative restriction, could scarcely have imagined that the fruit which sprung from it would, in our day, have compelled a cargo to sail from Havre to New York, before it could be admitted to Liverpool. It was given in evidence before the committee of 1844, and it was one of a hundred similar cases, that a cargo of American hides, brought from Europe, and being, by virtue of the Navigation Laws, denied entrance at Liverpool, was re-salted, re-shipped to New York, landed in America, and thence brought back for sale at Liverpool. The merchant of the 14th century was compelled to send his hides to Calais to be sold; the merchant of our time must make the voyage to New York and back again, before an English port can become his Staple.

---

#### WHAT KIND OF FLEET ENGLAND HAD ABOUT THE TIME OF THE FIRST NAVIGATION LAW.

We have no return of the number of ships that the trade required, or of the whole number that then belonged to England; but, when war broke out, the trading vessels, men and

all, were impressed. The various ports furnished either a contingent of vessels, or gave up to the king's service all the ships they had ; and from the records of such contingents and impressments, we may gather some idea of the then navy of England.

On the 11th of October, 1340, Edward III. sent letters to the several sheriffs of the maritime shires, stating that the navy of the kingdom, (which meant then all the merchant ships,) was much reduced by the war, *and as the security of the kingdom depended upon the vessels being kept in the hands of his own subjects*, the sheriffs were commanded to make proclamation, "*That no person should sell or give away any vessels to a foreigner upon any account.*" There was also ordered an exact return of all the vessels, great and small, in each port, with the names of their owners.\*

A.D. 1340.

No one to sell  
or give ships to  
foreigners.

This was the first attempt to form a complete register of the shipping of England, and to increase it by command. From the wording of the letter, it would seem that England was then accustomed to build ships for foreigners ; if they built ships at all, it could not well be for any other purpose, as the multitude of cross-purposed and perpetually changing restrictions upon trade, commerce, merchants, and money, must have prevented any increased demand for them in English hands.

The return ordered was perhaps never made ; at all events, it is not to be got at now ; but, six years afterwards, " all vessels, however small, that were able to stand the sea," were impressed for the invasion of France. The whole were present at the siege of Calais : 710 vessels belonging to English ports, carrying 14,151 men, no doubt as many as they could carry, and yet not 20 men to each ship. So that the probability is, that these noted vessels were rather less than our mackerel-boats. The foreign vessels at the siege, were not much larger than our own, and we have further evidence of the nature of foreign shipping, in the fact, that in 1385 the governor of Calais, and the seamen of the Cinque ports, cap-

A.D. 1346.

Impressment of  
all vessels for  
the invasion of  
France.

\* Macpherson, b. 1. 528.

tured 80 vessels of various kinds ; " and there were taken," says Walshingham, " and slain in those ships, 226 seamen and mercenaries (being an average of  $2\frac{1}{2}$  to each). Blessed be God for all things."

English ships.

In the Harleian Manuscript, we have a drawing of ships of the time of Richard II., broad, Dutch-built tubs, something like punts turned up at the ends, one mast, with a square pigeon-box looking top, one great broad square lug of a sail, half-a-dozen armed men in each, and no deck. Such were the biggest and the best of the then marine of England. It was much persecuted by commercial restrictions and piracy ; but most of all, by the liability to be seized for the purposes of war, of which the Merchant Shipowners made bitter complaint. The Commons represented in Parliament, that *Ships were often taken up for the King long before they were wanted, and the merchants ruined by supporting their seamen in idleness ; that by the merchants, the supporters of the navy, being so often deprived of their ships, the mariners were driven into other trades ; and that the masters of the King's vessels took up the masters of other vessels, as good men as themselves, whereby the men were also obliged to seek other means of living, and the ships were rendered useless ; and that by these means the navy was reduced.\**

A.D. 1370.

Complaint of  
Commons  
against impress-  
ment.

This does seem a very reasonable remonstrance, but the King paid no attention to it. Wars and impressments went on, and commercial restrictions were increased in number and complication, through all of which, the commercial navy had to fight its way, and to live on as it might, and a hard struggle it must have had : as at the best there could have been no great quantity of goods for ships to carry, the whole population of England and Wales, in 1377, being only 2,500,000, the most of them too poor to use many articles of import, and the exports being of very small amount.

A.D. 1377.

It was believed, however, that Parliament could make a

\* Cotton's Abridgement, p. 113.

navy—that there was no more to do than to pass a law for the purpose, and forthwith there would be ships ready either for peace or war,—ships, by Act of Parliament, although there were no goods for them to carry, and no persons to take passage in them. In order, therefore, to augment the navy of England, or in the old words, *per encreisir la Navie d'Engleterre*, which was declared to be greatly reduced (notwithstanding the interdict to sell or give away ships issued forty years before), it was enacted, “*That no subject of the king should ship any merchandize, outward or homeward, save in ships of the king's allegiance, on penalty of forfeiture of vessel and cargo.*”

A.D. 1381.

First Navigation Act.  
Imports and Exports only in ships of the king's allegiance.  
Stat. 1, 5  
Richard II., c. 3.

This was the first Navigation Act passed by the Parliament of England, and it stands on the Statute Book in curious company. Immediately before it is a preamble declaring, “*That in consequence of the grievous mischief of carrying abroad money and bullion, there was scarcely any gold or silver left in the kingdom. All merchants and clergymen, aliens or natives, were therefore prohibited from carrying abroad any gold or silver, in coin, bullion, or vessel, or by exchange. The negotiators of the exchange were to be sworn, that they would send no gold nor silver out of the country for the purpose of answering their bills. No person, either of the clergy or laity, except lords, and other great men, real known merchants, and the king's soldiers, was to be allowed to go out of the kingdom. London, and one or two other chief ports, were declared to be the only places from which any one might pass over to the continent, and all evaders and breakers of the said law were to suffer heavy fines and forfeitures.*”\*

Stat. 1, 5  
Richard II., c. 2.

Neither gold, silver, clergy, or laity, must go out of the kingdom.

Next after the Navigation law, comes an enactment, “*That if any Englishman passed over the sea to import wines, he must sell them at certain fixed prices, by certain measurements only; and sweet wines and claret must not be retailed any where in the kingdom.*”

Stat. 1, 5  
Richard II., c. 4, 5.  
Goods not to be imported.

\* Macpherson, vol. i. p. 592.

The wonder is, that with such regulations, there was any navy at all, which, doubtless, there would not have been, had not enterprise and ingenuity found means to tack about these complicated cross-currents and adverse winds of law. Trade and shipping increased, not by their help, but in spite of them, as the oak of which the ships were built grew in spite of frost, and storm, and flood, and drought.

The delusion  
launched.

This third chapter of the 5th of Richard the Second, was the first official announcement, of the ever since cherished delusion, That PARLIAMENT COULD MAKE THE NAVY GREAT. Richard II. believed that the protective system could make his little Dutch-built, open-boat fleet, into a great navy. Four hundred and sixty-six years have passed since then, but that wisdom of our ancestors has descended, with all its gatherings, to protectionist statesmen and shipowners' associations; no more than Richard, do they know that there is no way to make a great navy but by a great foreign trade. All increase of shipping they attribute to Acts of Parliament, none to increase of population, and industry, and wealth; according to them, all good is the result of restriction and protection, and only evil springs from enterprise and competition. Experience has taught them nothing; the word PROTECTION has so mystified and deluded them, that they are martyrs to it, and let it bind them down to inferiority and decay. In vain is it shown unanswerably, that protected trades have never prospered, that in the race they linger far behind, whilst the unprotected make rapid progress. They refuse to acknowledge what is daily before their eyes, that the impulse of competition rouses into action the utmost energy and ingenuity, so that men invent, adapt, cheapen, seek out markets, and spread their trade in all directions.

A.D. 1382.

First Navigation  
Act  
amended.  
Stat. 1, 6  
Richard II.  
c. 8.

The first Navigation Act did not work well, and had, in the next year, to be amended. It was then enacted, "*That English merchants being in foreign ports, and not finding any sufficient English vessels there, might ship their goods on board foreign vessels,*" a help to trade that was no doubt



rendered useless by a law made eight years afterwards, "*That the merchants of England should export their merchandize in English vessels only, and the owners were desired to carry them for reasonable freights.*" What the reasonable freights were we are not told. But the probability is, that certain British shipowners made an outcry against the foreigners who came from ports where English vessels were not to be had, taking outward cargoes, because they had caught them carrying at *reasonable freights*.

A.D. 1390.

English ship-owners to carry for reasonable freights.

Like enough they urged, that the British shipowners cared only for the defences of the realm, for the glory of the wooden walls of Old England, for the increase of the English navy. So say their craft now. High freights were far too beggarly an element for them to think of. They would have it to be understood, that they were shipowners from pure patriotism, and so they probably said, "Don't let these foreigners compete with us in cargoes outward, send them home in ballast, the disinterested motives and right earnest patriotism of your Majesty's shipowners are beyond all doubt, therefore don't let our freights be beaten down by competition, but be it enacted by, and with the authority of Parliament, that we shall carry *for reasonable freights.*"

---

#### THE WISDOM OF OUR ANCESTORS.

From the time of the first Navigation Act, kings, parliaments and shipowners, had no quiet. The idea took possession of them, that gold and ships must be incessantly watched, or they would make off out of the country; there was no chance of a navy, unless acts, ordinances, and proclamations, were its sheet-anchor, cable, and harbour of refuge. Our poor ancestors were haunted and hag-ridden by the notion, that some breezy night every ship in England, great

and small, would slip cable, hoist sails, and be out to sea ; and that carrying off all the gold, they would go over to some vile foreigners, and never be heard of again ; and so England would have no navy, no gold, no trade, no towns, no anything, but desolation and ruin. To avert which calamities abundance of laws were made, and the honest trade being sorely crippled, the shipowners employed themselves in piracies and plunders, and petty wars with the merchants and seamen of the Continent, by suppression of which, Henry IV. did something really to advance the commerce and manufactures of the kingdom. A very small commerce, however, it must have been, for the whole revenue in Henry V.th's time was but £55,743. 10s. 10½d.,\* and with all the nursing of Parliament, the navy does not seem to have been got into any very secure condition, for chap. eight of the 1st of Henry VII., being more than a hundred years after the first Navigation Act, sets out with a preamble stating the danger to be apprehended from a decay of the navy, and the seamen being unemployed ; and it was therefore enacted, "*That no person should buy or sell any wine, of the growth of Guienne or Gascoigne, in England, Ireland, Wales, Calais, or Berwick, unless it were imported in a vessel belonging to England, Ireland or Wales, and navigated principally by natives of England, Wales, Ireland or Calais.*"†

A.D. 1409.

Revenue in Henry the V.'s time.

A.D. 1421.

Danger of decay of the navy.

Majority of seamen must be king's subjects.

First principles of all Navigation Acts.

This is the first act declaring that a majority of the seamen must be the king's subjects, and we have, at this early date, upon the Statute Book the leading principles of all subsequent Navigation Acts. First, that certain goods must be imported and exported only in British ships. Second, that those ships must be manned by a majority of Englishmen. Third, that these enactments were for the increase of the mercantile navy. Fourth, that the navy was in return for so much care to be subject to impressment for war service.

At this period, there were seven years to come before America was discovered, sixty-nine years before the first ship

\* Macpherson, vol. i. p. 634.

† Idem, vol. i. p. 706.

found its way into a Russian port, and ninety years before the first venture by the Cape of Good Hope to India.\*

The trade of England, therefore, had not yet room to be great. Discovery has, since then, given us new worlds, new powers of production, new millions of customers, and boundless wealth. Generation after generation has inherited increased and ever-increasing aptness for manufactures and commerce, our whole knowledge of the world, our whole relations with mankind, have been changed; but the principle of the Navigation Laws, that sought to nurse the little navy of that little trade, remain unchanged, save that in time of war the ships are spared and only the sailors are impressed.

Government now builds its own ships, but does not train its own seamen. We have not been able to discover that the modern practice is in any way an improvement upon the old. For all we can see to the contrary, the ships might as well be carried off with the men; and there would be this advantage in it, that the shipowner would be sure of payment for the use and abuse of his ship, but he gets no compensation for the loss of his able seamen who are carried off suddenly by force, just when their services are most wanted in trade. And with such reckless tyranny was this impressment by force carried on in the late war, "*that at its conclusion there was scarce an able seaman left in the whole mercantile marine of this country;*" and it may be safely inferred that there was scarcely an effective commercial ship.

Evid. of  
G. F. Young,  
5218.

This being the condition on which the Navigation Laws are held, the shipowners might do well to ask themselves "whether it be worth going through so much to get so little." To a plain understanding, it seems very like "buying protection at too high a price."

True, the merchant may keep his ship safe enough, the law guards him against foreign competition. His sailors

\* 1st Henry VIII. c. 8, 1485. America discovered 1492. Commencement of Maritime Commerce with the Russian Empire 1554. First voyage round the Cape 1395.

Vide Merchant  
Seamen's Re-  
gistration Act.

are *ticketed* and watched over affectionately in time of peace, in the nurseries of British seamen, but when war breaks out, there is a clean sweep of the nurseries—away go the British seamen to be shot at ; and the British merchant ships, unmanned, just when they want hands most, may betake themselves into quiet harbours, and leave Americans (to whom likely enough, by way of escape from press-gangs, our merchant seamen might engage themselves) to carry on the shipping business of the world.

Chap. the Eighth of Henry VII. having set itself to prevent decay of the navy, Chap. the Ninth gives a list of articles not to be imported at all, for the next twenty years.\*

We are not told whether these imports were forbidden, expressly to prevent the decay of the navy, or at the request of shipowners ; but we may surmise that they were, for it is on record, that shipowners petitioned against the free admission of foreign corn ; setting forth, that the navy would be ruined, and the defences of the country broken up, if at all times the corn of other lands were admitted into England. Not that the corn would float over of itself, or was to be brought from some new-found inland region by waggons or railroads. No, it must, every quarter of it, be carried by ships. The consumers of it had no choice but to be customers to shipowners. Corn was to be added to all the goods that hitherto ships had found it profitable to carry. Here was an immense population certain year by year to consume an increasing quantity, each million quarters of it would weigh 214,150 tons, and would lade 415 ships, each of 500 tons burden ; and this very year, it appears from Parliamentary returns made up from the 5th of January to the 5th of June 1847, that there has been imported in those five months, of grain of all sorts 3,286,702 quarters, and of flour and meal of all kinds 2,627,067 cwts. ; it was therefore no over estimate to take the year's import at 4,000,000 quarters, which would be 857,000 tons, and would lade 1700 ships of 500 tons each,

Ships and corn.

\* Macpherson, vol. ii. p. 209.

yet the shipowners besought Parliament not to let the trade in corn be free, to think of the mercantile marine-nursery of the British navy, and to contemplate the ruin that must inevitably come upon this great national interest, if from the Baltic, and the Black Sea, the Mediterranean, and the other side of the Atlantic, ships might always freight with corn. And this was not three hundred and sixty-two years ago in Henry VII.'s time, but in our own day; and the petitioners are alive, at large, and at their business and their prayers to Parliament yet. Where for the present we leave them, and proceed to give our readers a few more glimpses of the rise, progress, and present condition of the maritime charter.

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A REMARKABLE ACCOUNT OF THE EFFECT OF EARLY  
NAVIGATION LAWS.

From the time of the above Act of Henry VII., to the time of Elizabeth, no change of any importance was made in the Navigation Laws. The 33rd of Henry VIII. declared that the East-coast fishing towns had fallen into negligence and decay; that the fishermen were too lazy to fish for themselves, and instead, went half seas over to buy ready caught fish from Flemings, Zealanders, Picards, and Normans, from which they were prohibited, and it was enacted that, except sturgeon, porpoise, and seal, they must catch every thing for themselves, or forfeit ten pounds for every time they did otherwise. Still the fisheries seem not to have got on, for, five years after this act against laziness, the 2nd and 3rd of Edward VI., c. 19, "*enacted the strict observance of fast-days for the good of men's souls, and that the fishers might thereby be the rather set on work, and much flesh be saved and increased.*"

A.D. 1564.

A.D. 1569.  
Fasts for the  
subduing of  
men's bodies  
and the good of  
the fisheries.

How men's souls and the fisheries got on under this Act, we do not pretend to say, but early in the next reign, it and all its predecessors met with such condemnation as they deserved.

The 1st of Elizabeth, c. 13, states, *that since the making of*

A.D. 1558.

\* Macpherson, 2. 89.

The old laws  
found guilty.

Retaliation.

Aptness of the  
above preamble  
to our own  
times.

*the Statutes, which prohibited the import and export of merchandize in any but English ships; other sovereign princes finding themselves aggrieved with the said Acts, as thinking that the same were made to the hurt and prejudice of their country and navy have made like penal laws against such as should ship out of their countries in any other vessels than of their several countries and dominions; by reason whereof there hath not only grown great displeasure betwixt the foreign princes and the kings of this realm, but also the merchants have been sore grieved and endamaged.*" In short, in the year 1558, Navigation Laws had been at work, to increase the navy, for 177 years; and this preamble of the 1st Elizabeth sets forth, that they had, instead, created bad feeling abroad, turned our own ships out of work, and sorely grieved and endamaged the merchants.

Mr. Huskisson might have recited the same preamble in 1824, and Lord Palmerston must recite it, or something like it, next session. Prussia and the Zollverein threaten retaliation for what remains of our Navigation Laws. Bremen, not strong enough to retaliate by herself, may be drawn into the coalition. Hamburg can hardly be kept from following her example, so that unless the Navigation Laws are relaxed, and we allow vessels of the German maritime states to trade between Asia, Africa, America, and this country, the Shipowners' Association may yet live to see another golden age, when two sets of ships shall be employed in the same trade. No more is threatened for 1848, than what actually was done in 1558, and in 1815, and in 1824. When we shut foreigners out, they followed the example and shut us out. There was nothing for them to carry from or to us, nothing for us to carry to or from them. Their ships and ours were useless, their merchants and ours idle. It is therefore difficult to refrain from joining with the Prussian Government, in the hope that "The nomination of a Parliamentary Committee, to examine the English Navigation Laws, and to report during the present session of Parliament thereupon, will, at no remote period, by means

of a general legislative measure, cause the restrictions to disappear which at present weigh upon German navigation and commerce, and which notoriously impede the development of the commercial relations of the two countries."\*

With this condemnatory preamble the prohibitory acts found by Elizabeth on the statute book were repealed, but unfortunately replaced by an enactment that "*exports and imports in foreign bottoms, must pay double duties. The two companies of merchant adventurers were, however, without paying double duties, allowed to lade their merchandize on foreign ships, provided there were not English ships sufficient in number for such embarkations, and the merchants of Bristol, in consequence of having lost all their best ships by enemies, (like enough enemies made by our own laws), were allowed the like liberty, provided they could not find sufficient shipping within forty miles.*"

Imports in foreign bottoms to pay double duties.

This Act is the first that declares that the master as well as the majority of the sailors must be English subjects. No doubt there was an outcry made against its apparent liberality, for five years after it came into force, it was followed by an enactment, intitled, "*Constitutions for the Maintenance of the Navy*," which prohibited foreigners from fishing on our coasts, excluded them for the first time from our coasting trade, and enacted that wines and wood should be imported from France in English shipping only.

First enacted, that Master of ship must be an English subject.

A.D. 1563.

Foreigners first excluded from the coasting trade.

Kings and Parliaments had for some centuries been nursing the fishermen, and it seems had made them correspondingly unenterprising and indolent, so that foreigners came half seas over and caught the fish under the very noses of our fishermen, and King Edward's fasts for the common good of men's souls and the fisheries, having like enough fallen into disuse, it was enacted in the constitutions, "*That for the maintainance of shipping, the increase of fishermen and mariners, the repairing of port towns, and the increase of the flesh victual*

Fasts for the good of the shipping, not for souls.

A.D. 1563.

\* Note addressed by the Chevalier Bunsen to Lord Palmerston, 10th May, 1847.—Parliamentary papers.

*of the realm, it shall not be lawful for any to eat flesh on Wednesdays and Saturdays, under the forfeiture of £3. for each offence ;”* and to distinguish this from the former acts, and prevent all possibility of any misunderstanding, it was added, “ *that none shall presume to say this ordinance is for the good of the soul of man, or other than for the support of the fisheries, and the navigation of the kingdom.*”\*

A.D. 1571.  
13th Eliz.c. 13.

We do not know whether these navigation fasts came to be well observed, nor whether any contumacious subjects, eating fish on such days, did presume to take any crumbs of comfort to their souls, contrary to the statute in that case made and provided. But such fasting as they did go through does not seem to have been enough for the shipping, for eight years after, an act was passed “ *for the increase of tillage, the navy, and the mariners of the realm,*” allowing corn of all kinds to be exported, except when, in consequence of prices, there was no proclamation to the contrary.

This was a step in the right direction, but with all this incessant watchful care of the navy, and its nursery the fisheries, neither seem to have made any very rapid or effective progress ; for, in 1573, the entire navy of Elizabeth consisted of but

A.D. 1573.

1	ship	of	100	guns
9	„	from	88	to 60
49	„	from	58	to 40
58	„	from	38	to 20
29	„	from	18	to 6†

A.D. 1582.

Total 146 ships. Of these but thirteen were ships of war belonging to the crown, the remaining 133 were merchant ships occasionally hired, and then esteemed the principal part of our maritime power. In the 24th year of Elizabeth, they were reckoned at 135, many of them of 500 tons each. It may be that this return did not include the small coasting-

\* From Burchett’s “ Complete History of the Most Remarkable Transactions at Sea.”

† Macpherson, vol. ii. p. 138.



vessels, but only the larger and those engaged in the foreign trade, or possibly the 133 gunned ships, being mostly taken up with war, the 135 might be in addition to them, and so the entire number would stand at 268: no very wondrous navy after 200 years of nursing.\*

Neither were the fisheries very prosperous under their many protections. SIR WALTER RALEIGH'S PAMPHLET, entitled "*Observations Concerning the Trade and Commerce of England with the Dutch and other Foreign Nations*," laid before King James in 1603, states "*that the greatest fishing that ever was known in the world is upon the coasts of England, Scotland, and Ireland; but the great fishery is in the low countries, and other petty states, wherewith they serve themselves and all christendom.*" Then follows the account, which, for the curious in such matters we give. Those who dislike details can pass it over. It is a strange and unanswerable comment against the early volumes of laws that professed to encourage our fisheries and navy.

Sir W. Raleigh's summary of the effects of 200 years of navigation laws. A.D. 1603.

"Into four towns in the Baltic, viz., Koningsberg, Elbing, Stetin, and Dantzick, there are carried and vended in a year between 30,000 and 40,000 lasts of herrings, which, at £15. or £16. the last, is £620,000.

"*And we send none thither*—(we with laws, and nurseries of seamen, and best fishing!)

"To Denmark, Norway, and Sweden, and the ports of Riga, Revel, Narva, and other parts of Livonia, &c., above 10,000 lasts worth £170,000.

"*And we send none to all those countries.*

"The Hollanders send into Russia near 1500 lasts of herrings, sold at 30s. per barrel, £27,000.

"*And we send thither about 20 or 30 lasts.*

"To Staden, Hamburg, Bremen, and Embden, 6000 lasts of fish and herrings, 100,000.

"*And we none at all.*

"To Cleves and Juliers, up the Rhine, to Cologne and Frankfort-on-the-Maine, and so over all Germany, near 22,000 lasts of fish and herrings, sold at £20. per last, £440,000.

"*And we none.*

"Up the river Meuse to Maestretch, Leige, &c., to Beuloo,

\* Macpherson, vol. ii. p. 151.

Zutphen, Deventer, Campen, Swoll, &c., about 7000 lasts of herrings, at £20. per last, £140,000.

*"And we none at all."*

"To Guelderland, Artois, Hainault, Brabant, Flanders, Antwerp, and up the Scheldt, all over the Archduke's countries, 8000 and 9000 lasts, at £18. per last, £162,000.

*"And we none."*

"The Hollanders and others carried, of all sorts of herrings, to Roan alone, in one year, (besides all other parts of France), 5000 lasts, £100,000.

*"And we not 100 lasts."*

Holland did all the fishing.

The sum of it is, that to all these places the fishermen, chiefly of Holland, carried £1,759,000. worth of fish annually, and we carried but £2480. worth. But this was not the worst of the case.

"Over and above these," says Sir Walter, "there is a great quantity of fish vended to the straits. Surely the stream is necessary to be turned to the good of this kingdom, to whose sea-coasts alone God has sent these great blessings and immense riches for us to take; and that any nation should carry away out of this kingdom yearly great masses of money for fish taken in our seas, and sold again by them to us, must needs be a great dishonour to our nation, and hindrance to this realm."

Parliament failed to make either fishermen or trade.

So it seems that neither keeping off foreigners, nor the appointment of fast days, could make fishermen. The foreigners came as far as they might, into our seas and fished there, and whatever benefit came of the fish eating by law, they had it. Our coast men trusted neither to boat, nor net, nor line, but to Parliament. Parliament was to make their market, to find them customers, and to fix the prices, and it in reality made the fishermen lazy, lubberly, and useless.

The rest of our trade was protected too, and from the same pamphlet we learn, to pretty much the same purpose: "The Dutch every where surpassed us, they had as many ships and vessels as eleven kingdoms of Christendom, let England be one."

Dutch trade and English.

Their own commodities would not lade a hundred ships, yet they sent annually to the east countries 3000 ships. We but 100. To France, Spain, Portugal, and Italy 2000 ships. We

none. To Russia they sent thirty or forty. We but three or four. We had great abundance of native commodities. They almost none; but they gathered and warehoused the produce and manufactures of all countries, and redistributed them, and were the greatest carriers and the greatest shipowners in the world. We are told how they arrived at this pre-eminence, "*by the privileges they allowed to strangers, by the lowness of their customs, and by the structure or roominess of their shipping, holding much merchandize, though sailing with fewer hands than our ships, thereby carrying their goods much cheaper to and from foreign ports than we can, whereby the Dutch gain all the foreign freights, whilst our ships lie still and decay, or else go to Newcastle for coals.*"

How the Dutch came to have such vast shipping.

Here then we have the whole secret. The freights in English ships were high, and they carried little.<sup>a</sup> In the Dutch ships the freights were low, and they did most of the carrying trade of the world. "And yet," says Raleigh, "is England better situated than Holland for a general storehouse."

The secret of Dutch prosperity.

"True, we command the best position. Great Britain is an island kingdom, with island colonies; her empire is washed by nearly every sea that flows, while her subjects, spread over the four quarters of the globe, may be said to be in almost daily communication. Her sailors are braving peril and disease in the cause of humanity in the torrid zone, or undergoing toils and privations in the cause of science in the frozen seas; her merchants are the best customers in all the markets of mankind; her manufacturers are surpassed by none in industry and ingenuity; the resources of her capital are the greatest—the construction of her ships the best." And since your day, Sir Walter, there have sprung from us, in the land you so long laboured to colonize, twenty millions of people, and still we are afraid to trust to our best position—afraid to believe that we must be the world's store-house, and that it is not in the power of any nation to take the lead of us at sea. In your day high freights left little for our ships to do. Instead of meeting competition, and becoming superior in the face of it, they shrunk

England must be the warehouse and workshop of the world.

from it—trusted to acts of Parliament—fell into inferiority—sought by excessive charges to maintain their position and so diminished the whole amount of trade.

By and by we shall show that to no small extent the same errors are still mischievously at work, and that the advantages of our position, our natural productions, and the industrial and inventive genius of our people have carried, it might be almost said forced, us to pre-eminence in spite of Navigation Laws, and all kindred restrictions. Like grass under a stone, we have grown by the very force of growth that was in us.

#### THE FREE SEA.

A.D. 1612.  
Low freights  
and plenty to  
do.

While the Dutch, as Raleigh has described, had become, *by charging the lowest freights, the carriers for all Christendom*, and having more and larger ships than any other people, were full of enterprize, and for ever on the look-out for extension of their trade, Spain claimed the exclusive navigation of the Indian and Pacific Oceans. Against which assumption, Grotius, the fame of whose learning filled all Europe then, published a little Latin treatise, called *Mare Liberum*, or “The Free Sea,” that had so much truth and force of reason in it, that it has been referred to and quoted ever since. He argues that by law of nature, commerce is free to all mankind.

The sea ought  
to be free to all.

That Navigation on the open seas should be also free.

That *the reasons given for the freedom of navigation hold equally good for that of fishing on the seas, which also ought to remain common or free to all*. He urges earnestly, and at length, the necessity of vindicating by all possible means, the freedom of navigation and commerce; claims no exclusive privilege for the Dutch, but addressing them says: *Go on thou most invincible nation on the ocean, in boldly asserting and defending that freedom which is not thine alone, but is equally the right of all mankind.*

This assertion of world-wide freedom to commerce and Navigation, found no favour with James the First, he was indignant beyond measure, that the Dutch should claim the right of navigating the narrow seas, called them "the blood-suckers of his kingdom,"\* and laid deep the foundation of that national envy and hatred on which was afterward built the notion, that to make room for the ships of England, the navy and the commerce of Holland must be destroyed.

The wisest spirit of the time had no such fear of Holland—no such want of faith in the skill and energies of England.

Sir Francis Bacon said :—

"For the body of ships, no nation of the world doth equal England for the oaken timber wherewith to build them; and we need not borrow of any others, iron for spikes or nails to fasten them together. Lord Bacon on English shipbuilding.

"For the true art and building of ships, for burden and service both, no nation in the world exceeds us.

"Powder and ammunition of all sorts we can have at home, and in exchange for other home commodities we may be plentifully supplied from our neighbours, which must not be neglected.

"*But, especially, care must be taken that monopolies, which are the cankers of all trading, be not admitted under specious colours of public good.*"†

Lord Bacon knew that England had within herself resources which would enable her to compete successfully in commerce with all nations, and that the danger was, lest these resources should be covered up by the rubbish of monopolies, and so suffered to remain undeveloped. He also knew right well, that such mischievous monopolies would always hide their narrow selfishness under some fair pretence of public good. Just as the Corn Laws, a monopoly to landowners, were set forth as being essential to the existence of the bold peasantry, their country's pride; and the Navigation Laws, a monopoly to shipowners and most injurious to trade, as the nursery of the navy, and essential to the glory and safety of the realm.

\* M'Cullagh's Industrial History of Free Nations, vol. ii. p. 334.

† Lord Bacon's Advice to Sir George Villiers.

Our Exports  
and Imports.  
A.D. 1613.

It is worth while to note what trade we had in those years.

Our exports to all the world between Christmas 1612 and Christmas 1613, were £2,090,640. 11s. 8d. Imports during that time, with all the customs thereon, £2,141,151. 10s.

We have also the account from the same very credible author, of the total amount of the customs of England for the year 1613.\*

	LONDON.			OUTPORTS.			TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Outward...	61,322	16	7	25,471	19	7	86,794	16	2
Inward ...	48,250	1	9	13,030	9	9	61,280	11	6
	£109,572	18	4	£38,502	9	4	£148,075	7	8

#### THE SHUT SEA.

A.D. 1635.

Jealousy of the Dutch at this period began to be on the ascendant. Twenty-three years after the publication of "The Free Sea," Selden published, by way of reply to Grotius, *Mare Clausum*, or "The Shut Sea;" asserting "*Exclusive right of navigation in the Channel, and all the waters round the coast of the three kingdoms.*"

A.D. 1635.

Charles the  
First and the  
Dutch.

This brought matters to a crisis. Charles the First, sore beset by the dislike of the people, sought to gather a little popularity by going with the tide of popular hatred to the Dutch; and therefore issued an order in Council, at once prohibiting them from fishing off Yarmouth, which they were wont to do by charter, and by treaty.

To remonstrate against this breach of friendship, and of faith, the Dutch sent a fruitless embassy to England. The King gave them no redress. A war broke out, and was waged vigorously amongst the Yarmouth herring-boats. Some

\* Circle of Commerce, by Edward Misselden, Merchant, p. 121. Published 1623.

little vessels belonging to the Hollanders were captured. Forthwith a squadron appeared to protect the rest, and to maintain the undoubted right of fishing.

To drive this squadron and the Dutch herring-boats from his shores, Charles, without authority of Parliament, issued writs, commanding London, and the sea-board counties, to furnish him with ships and men. Afterward the inland counties were included in the writs, then £3300. was commanded to be paid to the treasurers of the navy, instead of each ship.\*

The order set forth, by way of preamble, amongst other things, "*that the Kings of England have been always heretofore masters of the said sea, and it would be very irksome unto us, if that princely honour in our times should be lost, or in any thing diminished.*" Therefore the ship-money was levied; it was an impost for the increase of the navy. The people hated it, or the manner of it, more than they did the Dutch, and it cost Charles his crown and his head.\*

The notion that to make room for the ships of England, the navy and commerce of Holland must be destroyed, still existed; and so pertinaciously do errors live, that even now it is believed that our commerce grew out of the ruins of the Dutch—that all they lost in shipping, we gained.

The proofs of this being error are at hand, and the reader shall have them presently; meanwhile, we claim his attention to a future fruitful source of mischief.

\* If freights be raised by our present Navigation Laws only 2s. 6d. per ton, (and if they be not the Navigation Laws are a delusion) the impost thus put upon the people, will amount to a far greater sum than Charles's ship money, and it is a paradox of the time that the unconstitutional tax which cost Charles his life was constitutionally, in a worse form, re-enacted by his executioners. The burden was greater, the mode of laying it on more regular.

THE FIRST RESTRICTION ON THE COMMERCE OF THE COLONIES,  
AND FURTHER RESTRAINTS UPON THE DUTCH.

First Restrictions on Colonial Produce.

A.D. 1646.

In the midst of civil war, the Parliament found opportunity to enact, "*That none in any of the ports of the plantations of Virginia, Bermuda, Barbadoes, and other places of America, (which it was declared by way of preamble, had been very beneficial to the kingdom), should suffer any ship or vessel to lade any goods of the growth of the plantations and carry them to foreign parts, except in English bottoms, under forfeiture of certain exemptions from customs.*"

No foreign ship to trade with America without a license.

A.D. 1651.

This branch Navigation Act was the first trammel on the trade of our Colonies. Within four years the Republican Parliament made the restriction more stringent, by an act *prohibiting all ships of all foreign nations whatever, from trading with the plantations of America, without having obtained a license*; and in the following year was passed the famous ACT OF NAVIGATION.\*

Dutch freights low—their ships preferred.

It seems that "*it had been observed with concern, that for several years past the merchants of England had usually freighted Dutch shipping for fetching home their own merchandize, because their freight was at a lower rate than that of English ships. The Dutch shipping was employed in the importation of our own American products, whilst our own shipping lay rotting in our harbours: our mariners also, for want of employment at home, went into the service of the Dutch.*"† Wherefore, the consumer being placed out of view, and cheap conveyance of the world's produce to England being held a grievance, it was enacted, "*That no goods or commodities whatever, of the growth, production or manufacture of Asia, Africa, or America, including our own plantations there, should be imported either into England or Ireland, or any of the plantations, except in English-built ships owned*"

Goods of Asia, Africa, and America, only in English ships.

\* M'Culloch's Commercial Dictionary, p. 848.

† Macpherson, vol. ii. p. 442.



*by English subjects, navigated by English commanders, and three-fourths of the sailors Englishmen.”\**

This was an increased restriction upon the Colonies, which were thus compelled to pay high freights, and from insufficiency of shipping deprived altogether of many articles which they required. The law then went on to enact, “*That no goods of the growth, production or manufacture of any country in Europe should be imported into Great Britain or her colonies, except in British ships, commanded or manned as above, or in such ships as were the real property of the people of the country or place in which the goods were produced, or from which they could only be or most usually were exported.*”

European goods to Great Britain only in English ships.

The last clause was intended to work the destruction of the Dutch. They had but little of their own produce to export, but were great carriers of the produce of other countries to all foreign markets.

It was also enacted, by way of another blow at these same hated Hollanders, “*That no fish should thenceforward be imported into England or Ireland, nor exported from thence to foreign parts, nor even from one of our own home ports to another, but what is caught by our own fishers only.*”

Fish must be caught by our fishermen.

For all these acts, the people had no gratefulness. It seems “the novelty of them occasioned at first loud complaints, to the effect that though our own people had not shipping enough to import from all parts what they wanted; they were, nevertheless, by the Navigation Act, debarred from receiving new supplies of merchandize from other nations, who only could, and till then, did import them.”† No doubt the people were right, the injustice was clearly seen at first, but the complaints being unheeded, the wrong dropped out of sight but not out of action; the whole rate of progress of the world’s trade began then to be retarded by those laws, and there is abundant evidence that ever since it has had to fight its way in the face

Public opinion condemned these acts.

\* M’Culloch, p. 848. Macpherson, vol. ii. p. 443.

† Macpherson, vol. ii. p. 444.

of unnatural freights, unnatural impediments, and consequent insufficient increase of commerce and of shipping.

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#### THE FIRST EFFECT OF THESE RESTRICTIONS

A.D. 1652.

Was war with the Dutch. "It is plain," says Macpherson, "that the Navigation Act proved the occasion of the cruel naval wars which broke out in the year following." For two years this war was waged desperately; the enterprise, energy, courage and spirit of endurance, that might have founded new colonies and carried trade and civilization fast and far throughout the world, spent itself in furious destruction of men and ships. Commerce was interrupted and stopped, and the capital that in time of peace it would have won to itself and made fruitful for the common good was scattered in all the reckless waste of war.

A.D.  
1654-1664.

Sir Joshua  
Child's *Charter*  
*Maritima*.

Ten years of peace followed this outbreak; during which, the Dutch regained their ground, and spite of our restrictions, prospered in their commerce, kept the lead in the carrying trade, and increased their shipping. Their success was looked upon with envy in England, and with hatred by the King, so that Cromwell's Navigation Act was adopted by the 12th Charles II., chap. 18, pompously christened at the time by Sir Joshua Child, *The Maritime Charter of England*. In one respect, it apparently relaxed Cromwell's law, "the clause against importing foreign commodities, except in British ships or in ships belonging to the country or place where the goods were produced, was so far modified, that the prohibition was made to apply only to the goods of Russia and Turkey, and to certain articles since known in commerce by the name of enumerated articles" (being all the chief and most bulky commodities of commerce.) Two years later, a supplemental statute enacted, "*That no foreign-built ship shall enjoy the privileges of English or Irish-built ships, even though the*

A.D. 1662.

*owners be Englishmen, prize ships only exempted.*" This was the first announcement of the most strange doctrine, that if an Englishman buy a ship he may not use her for trade; but if he steal her, he may. An order accompanied this Act, recalling all licenses permitting Dutch ships, merchants and mariners, to come into England; and the statute of Frauds, 13th and 14th Charles II., c. 11, s. 23, "*prohibited all importation from Holland, the Netherlands and Germany, of a long list of articles, in any ships, British or Foreign, under the penalty of seizure and confiscation of ships and goods.*"\*

Certain imports prohibited.

This Act placing those countries out of the circle of commerce, was by treaty in 1667 somewhat modified. German goods were thereforward allowed to come through Dutch hands and in Dutch vessels to England. But from the time of Charles II. to that of George IV., a period of one hundred and sixty-two years, that same 12th of Charles II. c. 18. was revered as the very perfection of human wisdom, and believed to be the stay of the maritime power and security of England. It is even now held to have broken down the Dutch, and to have given us the wondrous commercial shipping that crowds all seas. It did give rise to

A.D.  
1663-1667.

\* "The rule established by the Navigation Act relative to the European trade was considered unsatisfactory for two reasons: first, because it permitted British ships to import European goods from any part of Europe, though they were not of the growth or produce of that part, and, consequently, enabled our Dutch rivals to collect all manner of articles in their ports, and thence to send them over to this country, thus competing with us in the longer part of the voyage, and being excluded only from the shorter part; secondly, because it enabled them to do the same with respect to goods from the plantations, provided they subjected them to some manufacturing process so as to give them a Dutch character. To prevent these evasions of the spirit of the law, it was enacted by the Statute of Frauds (13 and 14 Car. II., c. 11, s. 23) that no sort of wines, other than Rhenish, no sort of spicery, grocery, tobacco, pot-ashes, pitch, tar, salt, rosin, deal boards, fir timber, or olive oil, should be imported into England, Wales, or Berwick, from the Netherlands or Germany, in any sort of ships or vessels whatsoever."—For instances of relaxation, &c., see Appendix European Trade.

Note on European trade.  
Mr. Lefevre.

another costly and destructive war with Holland that ended in heavy taxes upon them and us.

We do not pretend that these restrictions did the Dutch no injury, but, spite of all such oppression, low freights enabled them to prosper.

A.D. 1691.

Dutch trade  
increases spite  
of Maritime  
Charter and  
English decays.

Thirty years after these most stringent acts came into full force, we have it on the evidence of Sir Joshua Child, (the then champion of the Navigation Laws,) *That the Dutch were gradually beating us in every quarter.* In support of this view, he states, "That in the Russian trade, of which we had formerly more than the Dutch; they had in 1690, twenty-two sail of great ships and the English but one.

That in the Greenland trade, they and the Hamburgers had usually between them from four to five hundred ships; the English in some years, one, and in others, none at all.

That in the East India trade, the Dutch had increased manifold, while the English were on the decline.

That in the trade for raw wool, to Bilboa in Spain, the Dutch had wholly supplanted the English buyers.

That the greater part of the plate trade to Cadiz had fallen into their hands in like manner.

That the trade to Norway was altogether gone to the Holsteiners and Danes.

The herring fishery on the eastern coast; the trade to Ireland and Scotland from abroad, the Dutch had bereaved the English of, and in effect wholly engrossed to themselves.

And the trade with New York, which had in 1664, been taken from the Dutch, he thought it likely would still be borne in their shipping."\*

How the Dutch  
kept their  
ground.

How it was that nothing could crush those same Dutch, we have very clearly stated in a discourse of trade, published in 1680. We are there told, that "the Dutch, being upon their defection from Spain, driven into great exigencies, and therefore becoming studiously emulous how to advance their trade,

\* M'Cullagh's Industrial History of Free Nations, vol. ii. p. 363.

have contrived all imaginable ways how to *trade cheap*, whose example other neighbouring states and kingdoms have followed in a great degree, and the French amongst the rest; whilst the *English* do not only proceed in their former more chargeable methods of trade, but have clogged their navigation and merchants more and more." Whereof, says the writer, I shall give some instances, and leave the computation of the odds to the reader. The Dutch have found, and long used such a way of *building* their ordinary trading *ships* and *vessels*, that they will sail with eight or ten men, when an English-built ship of about the same burden shall not sail without near thirty men. Nay, the Dutch are so curious "that for more cheapness and convenience, they build ships of *divers makes, sorts of timber, and manner of tackling*, for almost every trade; whereas the English build or use but one sort, and that the most chargeable."\* The author quotes Sir Walter Raleigh:—"That if an *English and Holland ship*, of 200 tons a-piece, be at *Dantzic*, the *Hollander* should serve the merchant cheaper by £100. than the *English*, being sailed with nine or ten mariners, but ours with thirty, yet our *English carpenters* keep their old way of building to this day, and know no other." So much for protection!

Dutch and  
English ships  
and freights.

Some reasons are given for our high freights. We are told, "That the late Acts of Navigation, and the Act of the 14th Car. II, cap. 11., confining the English trade to shipping built with English timber, (which is now exceeding scarce and dear), the Dutch, French, Danes, Hamburgers, &c., can have ship-timber in Germany, France, and Denmark, for less than half the price of ours.

Our Acts of  
Navigation had  
given foreigners  
the advantage.

So by means of the same Acts of Navigation, have the Dutch and French their cordage, masts, sails, tackle, pitch, and tar, very much cheaper than the English; so that they can build and apparel a ship, or fit up and repair, at less charge by half than the English can do.

Also the Act of Navigation, obliging us to sail with three-

\* See Evidence of Captain Bright, G. F. Young, and others.

fourths of English seamen, (of which we have but a few in comparison with the Dutch, who have at least ten times more than we), hath given occasion to our seamen to raise wages ;' and, likely enough after all, we had but the refuse of the sailors. These Dutchmen having long ago taken off the best of them, even as the Americans take our best hands now.

A.D. 1680.

For these and other reasons, which we have not space to state, this Discourser upon trade tells us, that in his time, that is three hundred years after the passing of the first Navigation Act, and thirty years after the Maritime Charter came into force. "*The English were not capable of any employment in mere carriage for any foreigners ;*" That this cheapness of the Dutch, and other foreign navigation and trading, had not only increased their own manufactures, but those of all people that gave them reasonable free and open trade. That our dear navigation, and difficulties on trade at home, had driven us out of near all our manufactures, except some remnant of our clothing trade."

It seems, then, that this Maritime Charter worked no miracle in those days. It neither set England up, nor broke down the Dutch.

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#### SHIPOWNERS' LOGIC.

But, say some shipowners, the Dutch did sink and England did rise, and the Navigation Law was on the statute book, and was enacted for the very end that came to pass ; which we take to be proof positive that the Maritime Charter did crush the Dutch, and that to it we owe the present measure of our trade ; which, simplified, stands thus :—

The Acts of Navigation meant ruin to Dutch shipping. Dutch shipping did come to ruin.

Therefore the Acts of Navigation ruined it.

In the Island of Bantam, or somewhere among the Japanese, the law sets forth that in the height and strength of the men,

and in the numbers of the fully grown, is the safety of the land. It is therefore enacted, that young boys shall set themselves diligently to grow, and shall with all speed increase in stature and in strength ; and it is required that all boys of fifteen years of age be measured by an officer appointed for the purpose, and that every one who shall not have attained a fixed height shall forthwith be flogged—Now many of the men are five feet six inches, a height to which the Bantamese will have it, the bastinado, or the dread of it, has forced them up. Tell the Bantamese that elsewhere men grow even to six feet, and that there is no measurement and no flogging.

Bantamite  
Logic.

They say men are commanded to be five feet six.

They are flogged if they are not.

They are five feet six.

Therefore the flogging made them grow to five feet six.

The foreign devils pretend not to believe, they wish the Bantamese to dwindle down to the littleness of monkeys ; where then would be the safety against barbarians—where the security of the flowery land—where the men of five feet six inches, to fight in the Emperor's army, and cause his enemies to tremble intensely ?

Not one whit more sound than this Bantamite logic is that of our shipowners. We have already shown, that for thirty years after the Acts of Navigation were set up against the Dutch, their trade and shipping increased and prospered, whilst ours was at a stand still ; that they were skilful and zealous ship-builders, following trade every where, and adapting their vessels to it with the utmost diligence, whilst we were slothful, unimproving, and incapable of any employment as general carriers. We say, therefore, that not the Navigation Laws, but some other causes, must have brought decay upon the Dutch, and gained us prosperity.

The historic truth is, and statistical facts, that we shall by and by bring forward, all confirm it, that England learned the lessons of such naval superiority, as she has, outside the Navigation Laws. Free foreign competition set energies to work that would never have awakened under protection.

Industrial History of Free Nations, by W. J. McCullagh.

But the Dutch did cease to be the carriers of the world, and lost their trade, and if it was not through our Navigation Laws, how was it? They themselves, in answer to the question put by the Stadtholder, William IV., in 1751, tell us that it was chiefly attributable "*to the increased competition of other nations, springing from the gradual acquisition of industrial knowledge.*"

How ruin came upon the Dutch.

Mark that, not from Navigation Laws, but from other countries having learned of these same Dutch, and followed their example, of good ships and low freights; which of itself could not have caused the decay; but these same countries, by their incessant monopolies and restrictions kept trade in littleness, and retarded the development of the commerce and manufactures of the world; so that there was not trade sufficient for all, and decay came upon the weakest.

Weakness came upon the Dutch by wars with England and France, and all the cost of war in ships and men, stoppage of trade, insecurity of capital, waste of time, prevention and perversion of ingenuity, inherited debts, and taxes that came at length to be imposed even on ships, and then on capital, which forthwith began to move off and settle itself where the imports were less heavy. In addition to which, England was better planted and endowed to be the storehouse and workshop of the world.

We have dwelt thus long upon the Dutch, to prove *that their great shipping grew up without Navigation Laws, that they owed their pre-eminence to low freights, and lost it not by our Navigation Laws, but by being forced from their own principle of free and cheap trading.* We recommend those curious of the fullest information on the rise, progress, and decay of the Dutch, to read The Industrial History of Free Nations, and proceed to point out

#### SOME OF THE MISCHIEFS THAT CAME UPON US THROUGH OUR BOASTED MARITIME CHARTER.

A.D. 1663.  
All colonial  
supplies of

Ireland and the Colonies were soon beset by more stringent provisions than those of the 12 Car. II. c. 18. The 15th Car. II.



cap. 17, enacted, *That for the further improvement of former Navigation Acts, no merchandize of the growth, production or manufacture of Europe shall be imported into any of the English plantations or factories in Asia, Africa or America, but what shall be laden in England, in English-built shipping, and navigated by at least three-fourths English mariners, and shall be carried to those places directly from England and no where else; on forfeiture of ships and ladings, and none of the products of the English plantations, (viz.) sugar, tobacco, cotton, ginger, fustic and other drugs, shall be carried any where, (except to other plantations), till they be first landed in England under the like forfeiture of ships and cargoes.*

European products and manufacture must be landed in England, and carried direct from thence to the colonies in English ships.

Colonial products not to be carried any where, except to colonies, until first landed in England.

Ireland was left out in this Act, and so became excluded from all trade with the Colonies, and by the 15th, 22nd, and 23rd of Car. II., the enumerated commodities were expressly prohibited from being carried to Ireland, until first landed in England. Under these restrictions, more or less stringently enforced, Ireland remained, until Grattan, and the volunteers, and the certainty else of revolution, had them removed about one hundred and twenty years after their enactment, when the 20th Geo. III. cap. 10, placed Ireland on the same footing as Great Britain, both as to the import and export trade of the British plantations in America and Africa.

No enumerated commodities to Ireland till first landed in England.

How much of commercial spirit the long continuance of such unjust restriction suppressed, and how much of hate to England and spirit of resistance to her law they roused, it is not to our purpose to argue; but it is scarce too much to say, that but for the restrictions of these same Navigation Acts, Ireland might have found her own way to a share of the world's trade, and England have been the richer for the commerce, manufactures and industrial energy of her sister kingdom.

At the time of the commencement of the war of independence,

*The American colonies could import or export nothing in any but British vessels.*

American colonies to use only British ships and to export and import only from Great Britain.

*They could not export the most important articles of their produce to any part of Europe other than Great Britain.*

*They could import no goods from any part of Europe other than Great Britain.\**

The separation of America may be traced to these and the like perverse Acts.

An American historian's account of the results of the grievance.

George Bancroft, the able and earnest historian of the States, tells us, that "these Acts avowed the design of sacrificing the natural rights of the Colonists to English interests. The harbours of the Colonies were shut against the Dutch, and every foreign vessel. American industry produced articles for exportation; but these articles were of two kinds. Some were produced in quantities only in America, and would not compete in the English market with English productions. These were enumerated, and it was declared that none of them should be transported to any other country than those belonging to the crown of England, under penalty of forfeiture; and, as new articles of industry of this class grew up in America, they were added to the list. Hardly had time enough elapsed for a voyage or two across the Atlantic, before it was found that the English merchant might derive still further advantages, by the imposition of still further restraints, at the cost of the

15th Car. II.  
c. vii.

Historic note  
on American  
trade.

\* On the breaking out of the war the statutes 14th Geo. III., c. 19; 15th Geo. III., c. 10; 15th Geo. III., c. 18; and 16th Geo. III., c. 5, were successively passed with the view, first of restricting, and then of wholly prohibiting, the trade between this country and her rebellious colonies. The prohibition was taken off in 1783 (by 23rd Geo. III., c. 26), and by an Act of that year (23rd Geo. III., c. 39,) the King was empowered to regulate the trade with the United States by Order in Council. This power, combined with occasional legislation on particular points (*see* 25th Geo. III., c. 1; 27th Geo. III., c. 7), was continued by annual Acts till 1788, when the trade between the United States and the British possessions in America was placed under permanent regulations by the Act 28th Geo. III., c. 6, the power of making orders for their trade with this country being still continued to the King in Council. For main provisions of the Act of 28th Geo. III., c. 6, and subsequent relaxations, see appendix note on trade with the United States.—*From paper handed in by Mr. Lefevre to the Committee on Navigation Laws.*

Colonists. A new law prohibited the importation of European commodities into the Colonies, except in English ships from England. The activity of the ships of New England, which should have excited admiration, excited envy in the minds of the English. The law was still more injurious to England, from its influence on the connexion between the Colonies and the metropolis. Durable relations in society are correlative and reciprocally beneficial. In this case, the statute was made by one party to bind the other, and was made on iniquitous principles. Established as the law of the strongest, it could endure no longer than the superiority in force. It converted commerce, which should be the bond of peace, into a source of rankling hostility, and scattered the certain seeds of a civil war." *The Navigation Act contained a pledge of the ultimate independence of America.\** And that independence gave the impulse of competition to our shipping, and forced us into greatness on the free seas, as we shall presently bring facts to prove. We have heard George Bancroft, from the other side of the Atlantic, let us hear Mr. Huskisson on this. In defence of his modification of the Navigation Laws, he said:—"It is generally believed, that the attempt to tax our American Colonies without their consent, was the sole cause of the separation of these Colonies from the mother country; but if the whole history of the period, between 1663 and 1773, be attentively examined, it will, I think, be abundantly evident that, however the attempt at taxation may have contributed somewhat to hasten the explosion, the train had been long laid, by the severe and exasperating efforts of this country, to enforce with inopportune and increasing rigour, the strictest and most annoying regulations of our Colonial and Navigation code. Every petty adventure in which the colonists embarked, was viewed by the merchants of this country, and the Board of Trade, as an encroachment on the commercial monopoly of Great Britain.

The Navigation Act a pledge of American independence.

Speech of Mr. Huskisson, May 12, 1826.

The Navigation Laws the cause of American rebellion.

"The professional subtlety of lawyers, and the practical

\* Bancroft's History of the United States, pp. 205, 207.

ingenuity of custom-house officers, were constantly at work in ministering to the jealous, but mistaken views of our sea-ports. Blind to the consequences elsewhere, they persisted in their attempts to put down the spirit of commercial enterprise in New England, until these attempts roused a very different spirit—that spirit which ventured to look for political independence in the result of a successful rebellion.”

So that, in fact, this Maritime Charter, and its adjuncts, hunted trade into littleness, and then scrambled for that little with such fury of war, that we lost our greatest Colonies. The same oppression is in force now, in a different degree, in all our Colonies, and from the same seed may not the same fruit ripen ?

From nearly all we have recently had protests against the Navigation Laws, and memorials praying for their immediate abolition.\*

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#### HOW THE MARITIME CHARTER FOUNDERED AT SEA.

Operations of  
the law on  
America as a  
colony.

It was all plain sailing with the Navigation Act so long as America remained a Colony. Their grievance then was that they could not ship their goods for foreign ports direct, nor receive any thing by foreign vessels, but were, in short shut out from all trade unless with England. The ships of the colonies could however come and go to and from England on the same terms as her own ; with that trade the Navigation Act did not interfere.

Operations on  
America  
independent.

But so soon as America became independent, the Acts came into force against her, and the more stringently that it was only from their own ports that the flags of Europe were admitted to trade at all with this country, the traffic with Asia, Africa and America, being altogether confined to British bottoms.

\* Return to an Address of the House of Commons, dated 28th January, 1847 ;— for, “Copies of all Memorials and Representations from *Canada*, and other Colonies, respecting the Differential Duties on Goods Imported into the Colonies, and respecting the Operation and Effect of the British Navigation Laws on their Commerce, since 1845.”—See chapter on Colonies.

For three years the United States diplomatized for the abolition of this manifest absurdity and wrong ; and being unable to succeed, they then passed a Navigation Act of their own, avowedly by way of retaliation, and word for word the same as ours.

A.D. 1787.

The case then stood thus :—By our Act, no produce or manufacture of America could be carried to England in any other than English ships.

No American ships with goods to England.

By their Act, no produce or manufacture of England could be carried to America in any other than American ships.

No English ships with goods to America.

Neither country could do without the other. We must have goods of theirs and they of ours ; and how we and they got them, sets in the clearest light the wondrous wisdom of the Navigation Laws.

American ships came across the Atlantic to Liverpool in ballast, having in their wake English ships with rice, cotton and tobacco.

Both cross the Atlantic in ballast.

English ships crossed the Atlantic to New York in ballast, having in their wake American ships laden with calicoes, cutlery, hardware, earthenware and iron.

The which state of things, more or less, lasted for eight and twenty years. Were this mere matter of history, we scarce dare tell that it was so ; but there are people living yet who remember it. English sailors, perhaps, who in the middle of the broad Atlantic, going out in ballast, have hailed Americans, also outward bound, in ballast ; and these were the good old times that shipowners long to have again, and that Mr. George Frederick Young, their mouth-piece, did publicly declare in June, 1847, to have been an advantage to Great Britain and America.

A.D.  
1787-1815.

The force of wisdom could no farther go. A glorious nursery for British seamen were those empty ships crossing the Atlantic—floating high, and gently rocked on its broad waves. The only misfortune was, that such a happy state of things came to an end. Trade fell off. The Americans set themselves to do without us, and began to manufacture

on their own account. The double voyage required to make it profitable, double freights, and with such costly carriage, goods were too dear for common use. No doubt, the Shipowners' Association can tell us, that all this came of some agitation, some nefarious conspiracy against British shipping, but for which, we might have been sailing now under every rag of the Maritime Charter, with no one can imagine how great a trade, navy, and nursery of British seamen. However, it was fated to be otherwise. *Charta Maritima* could float no longer.

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#### LAUNCH OF RECIPROCITY.

The Maritime  
Charter goes  
down.

In 1815, the game of crossing the Atlantic in ballast was put an end to, by mutual consent ; and a treaty entered into between the two countries, under which American ships could clear outwards with cargoes for England, and English ships outwards with cargoes for America. Similar concessions were made to Portugal, under the most favoured nation treaty.

Prussian pro-  
test.

In 1823, the American and Portuguese treaties produced their natural result ; Prussia took the lead in threatening retaliatory measures. Their minister at our court, in an interview with Mr. Huskisson on the Navigation Laws, said, " You have set us the example by your port and light charges, and your discriminating duties on the goods imported in your ships. Hitherto we have confined the increase of our port and tonnage charges to ships only, *but it is the intention of my government next year, (of which he produced written proof) to imitate you still more closely,* by imposing discriminating duties on the goods imported in your ships." Our ship-owners taken aback by this " Prussian audacity" of imitation, (for they never dreamt of any nation having the presumption to imitate them), and not being then inclined to have no Prussian trade, bestirred themselves in favour of a treaty with Prussia, on the same principle of equal terms as that with the United States. A like convention was demanded by Den-

mark and Sweden, and Mr. Huskisson, bending at once to a necessity which he had not the power, even had he had the will, to oppose, introduced and carried the Reciprocity Acts, *by which it is enacted, That His Majesty may by an order in council, admit ships of foreign states into our ports, on payment of such duties as are charged on British vessels, provided that British ships are admitted into the ports of such foreign states, on payment of the same duties as are charged on their own vessels.*

Reciprocity  
Acts.  
4th Geo. IV.,  
c. 77.  
5th Geo. IV.,  
c. 1.

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THE RECIPROCITY ACTS, AND THE PROPHECIES OF THE  
SHIPOWNERS.

After the arrangement with Prussia, there was great outcry from the shipowners against reciprocity. It was declared that if acted upon, it would ruin England: Our trade would be handed over to foreigners; we might sell them our ships, and at once surrender the sea, and our national defences. This ruin was to come upon us, because foreigners could build and navigate their ships cheaper than we could ours. They had timber cheaper, victuals cheaper, wages lower, and they lived in untaxed countries. It was, therefore, most vehemently asserted by the shipowners that for the future, American ships would have all the American trade, AND WE NONE.

Prussian, Norwegian, Swedish, French, German, Russian, and other foreign ships, the whole continental trade, AND WE NONE.

England to have  
no ships.

The ships of England were to be beaten every where, but from the coasts and colonies of England. These gloomy assertions were made twenty-four years ago.

The following facts and figures taken from the evidence of Mr. G. R. Porter, director of the statistical department of the Board of Trade, and author of the work entitled *The Progress of the Nation*, show whether these prophecies of ruin have been fulfilled:—

7594, 7595.

Tonnage pro-  
tected from our  
colonies.

"The British tonnage which entered inward from the whole coast of Africa and Cape of Good Hope, St. Helena and Ascension, Mauritius, British India, the British North American Colonies, the Australian Colonies, the British West Indies, the Fisheries and the Channel Islands; places including the whole of our possessions, and therefore representing the whole trade under protection of the Navigation Laws, was,

In the year 1824, 893,097 tons. | In the year 1846, 1,735,924 tons.

Being an increase of 94·37 per cent."

On the other hand,

Tonnage unpro-  
tected from  
foreign coun-  
tries.

"From Russia, Sweden, Norway, Denmark, Prussia, Germany, Holland, Belgium, France, Portugal, Spain, Italy, Gibraltar and Malta,\* Turkey, Morea, Egypt, Tripoli, Barbary and Morocco, China, Sumatra and Java, the Foreign West Indies, the United States of America, the Ionian Islands, the Cape de Verdes and the South Sea Islands; places showing our whole foreign trade, and in which our ships are not protected by the Navigation Laws, the British tonnage which entered inwards, was,

In 1824, the year of the reci-  
procity treaties, 904,223 tons.

In the year 1846, after 22 years  
of equal competition with  
foreigners, 2,558,809 tons.

Being an increase of 183 per cent."

But even these facts, strong as they are, do not set forth the whole strength of the case against protection and in favour of competition, for "of the 893,097 tons increase of shipping entered from the colonies in the year 1846, as compared with 1824, no less than 650,000 were from British North America; the trade with which has advanced rapidly since 1842. In that year, the tonnage entered from that Colony, was 541,451 tons, being an increase as compared with 1824, of 116,289 tons. In 1846, it was 1,076,162 tons, being an increase as compared with 1842, of 534,711 tons."

Benefit to  
colonial ship-  
ping from  
reduction of  
timber duties.

The cause of so large an increase in the direction of one Colony, and within so short a time, deserves especial attention, and may serve to enlighten those who still linger in the mists of the protective system. In the October of 1842, the duty on colonial timber was reduced to one shilling a load, and the

\* Malta and Gibraltar, though Colonies of England are dealt with in respect to our Navigation Laws and Customs regulations as foreign countries.



reduction was at once followed by increased demand for timber, and for ships to carry it. But for this increase in the carriage of timber from British North America, the whole difference between 1824 and 1846, of tonnage entered inwards from the Colonies, would have been 308,116 tons, an increase of but  $36\frac{1}{4}$  per cent. ; suppose then the Navigation Laws could claim the whole of such increase, the account would then stand thus :—

Increase of shipping by Navigation Laws in whole Colonial trade, comparing 1824 with 1842.	}	308,116 tons.
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Increase of shipping to British North America alone, by reduction of timber duties, comparing 1842 with 1846.	}	534,711 tons,
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showing that the reduction of duty on the one item of timber has found employment for more shipping by 226,595 tons within four years to one colony, than the Navigation Laws to all the Colonies in twenty-four years. But there can be no proof found, that even the lesser increase in the colonial trade is due to the Navigation Laws, for we have it before us in these unimpeachable government returns, that our shipping under the equal competition of the reciprocity treaties has held its own, and worked its way so well, that for every 100 tons of shipping entered inwards in 1824, when the Navigation Laws were in force to protect us against foreigners, there were 283 tons entered inwards in 1846, when the Navigation Laws gave no protection, but we were sailing on equal terms with these long-dreaded rivals.

No benefit from  
Navigation  
Laws.

But say the shipowners, foreign shipping has increased, and that too very much in the last six and twenty years. Certainly it has, and surely no one in his sober senses could expect it to have done otherwise. Was it likely that foreigners should sit gazing in wonder smitten amazement at the energy and enterprise of England, and make no effort to push their way to a fair portion of the growing trade of the world. They are

Foreign ship-  
ping increased.



These facts might be enough for the shipowners, who still turn dotingly to the old Navigation Laws, and cling with desperate resolution to such wreck of them as yet floats among the troubled statutes ; but they tell us, that shipowning is a ruinous business, the profits next to nothing, the losses enormous, a very doleful statement, but far too poetic to get believed in these days of government statistical returns made quarterly.

It is quite true, that shipowners have, ever since Parliament made special protective laws for them, been loud and frequent in their complaints ; for a long series of years they have taken their stand with colonial protectionists and corn-law supporters, and if they wish, we will grant them that they have grumbled loudest of them all, but behind the grumbling, "the trade of the country has gone on increasing from year to year ; the number of ships built has been increasing, and the shipowners have gone on adding to the amount of their tonnage." In 1833, a report of the Shipowners' Society set forth that,

"The long continued and still existing depression of the shipping interest, the partial production and great aggravation of distress, caused by continual changes in our Navigation system, the utter impossibility of the successful maintenance of an unrestricted competition with foreign Navigation, the gross injustice of the imposition of peculiar and exclusive burdens on maritime commerce for purposes purely national, while exposed to that competition ; the declining quality and estimation of British tonnage ; the embarrassment, decay and ruin of the British shipowner *may now*, (that was in 1833), be viewed as incontrovertible propositions."

A.D. 1833.  
Prophecy of  
ruin to shipping.

Nevertheless, on the 30th March, 1845, *The Shipping Gazette*, the accredited organ of these foreboders of ruin, says, speaking of Sunderland :—

"There has been a large arrival of vessels this week and the harbour is much crowded, presenting from the bridge a forest of masts, and as animated an appearance as was ever before seen in this bustling port. The wages of the ship carpenters, who are all in full employment, have been recently advanced to 24s. per week ; and should the present prospects continue, there is every likelihood that a further advance will soon take place. This activity has produced corresponding employment for painters, ropers, and all other branches of handicraft industry. The

A.D. 1845.  
Shipping in  
high prosperity.

*wages of sailors have been moderately advanced, and it is expected that a scarcity of men will be experienced when the spring trade has fully set in.*

Increase of  
tonnage.  
1833 and 1846.

In that same year, 1833, the amount of British tonnage in the register was 2,634,577 tons, and in 1846, it was 3,817,112 tons, so that thirteen years after this cry of embarrassment and decay, and prophecy of certain ruin, the registered tonnage had increased by 1,182,535 tons, and there is scarce need to say, that, "no capitalists would continue to embark an increasing amount of their capital in a losing trade."

7606.

But it may be said, men do not complain for nothing, there must have been some real distress amongst the shipowners in 1833, and at all the other times when they made statements of embarrassment, and came to Parliament for help. "No doubt shipowning has been at times a losing business, so have all other trades;" but shipowning has been especially petted and cared for; Parliament has been a nurse to it, that it might nurse the navy, and like all spoiled pets, it never knows when to have done complaining, it is always either hurt, or there is something going to hurt it, or somebody looking cross at it.

The truth is, that all protected trades make it part of their business to remind Parliament of their existence. They have a committee constantly on the look out for fresh privileges, and to resist invasions of the old; to give note of any pause in their progress or diminution of their profits; and whenever the trade looks down, or the like trade looks up, any where else, to run to the ministry of the day, and get a Parliamentary committee appointed to hunt up some fresh means of help. Unprotected trades work their way manfully out of embarrassments and periods of distress. The protected leave on record great blue books of unreal grievances and prophecies of ruin never fulfilled.

But notwithstanding the loud and long complaints of shipowners, the reports of their Society, and sad details given, with tearful eyes, by members of their association, they persevere in ship-building as if their miseries were but a

kind of clappers and scarecrows, kept rattling and stuck up to frighten others from coming in to share the harvest the shipowners have ripening for themselves. A notion that might derive some strength from the fact, that the report of 1833, was soon followed by revival of trade, and more of ship-building than had ever been known before, and that in 1844, during the very sittings of the committee on the distressed condition of the shipping, a like revival and stir in the dock-yards took place. But instead of keeping their craft snugly to them, it is quite possible the patronage of Parliament may have done real mischief to shipowners, by enticing a greater number to try their hands at the business than would else have come into it.

Naturally shipping would increase only with actual demand for it. But Parliament being made so busy about it, no doubt men were made to believe that there was some special secret source of profit secured by law to shipowners, and eager to share it they built ships, so that the tonnage may sometimes have increased too fast in proportion to the goods to be carried. Many vessels must then have laid up in idleness, and the freights of all been unreasonably reduced by a forced competition, the result of the belief that Parliament really had a power to secure special prosperity to ships, no matter whether the sea-borne commodities were few or abundant.

Protection the  
bane of ship-  
owners.

If Marylebone vestry should make a law that every sweeper of a crossing must be a born parishioner, that his broom must be of the make of the parish, that it must be named and registered, and never even mended out of the bounds, and if every now and then the crossing rules were amended and altered, and select committees appointed to inquire into the condition of the sweepers, and examine and report thereon, forthwith, every man and boy that could muster ten-pence would have a broom to sweep the seas of mud with, not from any knowledge of his own that he could live by it, but in the belief that it must be something very great, because the parish did and said so much about it.

Protected  
traders and  
their com-  
plaints.

But in sober earnestness, the wonder is, that protectionists can never see that their perpetual complaints are fatal against their system. If protection be the boon they would have us believe, then the history of protected shipping should be a long record of progressive prosperity. Instead of which, it comprises volumes of laws to lift it up and make it great, and still more ponderous tomes setting forth its depression and littleness.

It should be understood that there was no agitation out of doors against the old Navigation Law; it continued in full force until it came to a dead lock, and either the law must be changed or many large branches of our trade come altogether to an end.

G. R. Porter,  
7596.

Maritime Char-  
ter at a dead  
lock.  
A.D. 1826.

"The shipowners felt this, and were urgent with Mr. Huskisson to enter into treaties with foreign countries, in order to prevent British ships being placed at a disadvantage in the countries with which they traded, Prussia particularly; and it was with Prussia that the reciprocity treaties began as a system. It was at the particular instance of the shipowners trading to that part of the continent, not from any movement on the part of the trading world, that Mr. Huskisson was induced to enter into these reciprocity treaties, in order that the British shipowners might continue to send their ships to the ports of Prussia, for Prussia had threatened to exclude our ships by a reciprocity of another kind."

The shipowners are anxious now to repudiate the reciprocity treaties, they charge them on the free traders, blame them for all their distress; and would go back to the good old Maritime Charter, and to the high colonial protective system, and to every thing in fact that experience has proved to have failed, from every thing that experience has shown to be successful. Fortunately the world is in advance of them, even in its darkest corners, and no government can ever again hold power in this country, under the name or with the intentions of protectionists. The verdict has been pronounced against the long oppressive, and worn-out system of exclusions and differential duties, and it is settled that trade, in all its branches and appliances, shall be free, and must by its own strength meet the world in open competition.

In a future chapter it will be seen that England "has a greater number of advantages for ship-building than any of her competitors;" meanwhile, an account of the mercantile marine of some of the chief of them, may serve to convince our readers that, the dread of their running away with all the trade, and bringing ruin upon us, is unmixed absurdity.

"The number of ships belonging to Prussian merchants in 1846, was 794, and their tonnage, converted into British, was 148,136 tons. In Hamburg, the number of ships belonging to that port was 223, tonnage 33,907 tons. In Holland, there were 1,926 vessels of all sizes, tonnage 338,882 tons. In Belgium, we have no account later than 1841, there were then 161 vessels, tonnage 22,770. France, in 1846, had 13,679 ships, the tonnage 604,637 tons; that included vessels of all sizes, by far the largest proportion were vessels under 60 tons, and were, therefore, simply coasting vessels, and not vessels employed in foreign trade. In the United States of America, the proportion of the tonnage of the States, which was registered for foreign trade, was 1,095,172 tons, (they do not give the number of ships). In Norway, in 1835, (the latest return) the tonnage was 155,043 tons."

G. R. Porter.  
7633.

Foreign  
shipping.

It has been already shown that in 1846, the amount of our tonnage on the register, was 3,817,112; and that since 1833, it had increased by 1,182,535 tons, being 87,363 tons more than the whole commercial marine of the United States, registered for foreign trade in 1846.

British shipping  
and foreign  
competition.

The number of British ships entered inwards from Russia, in 1846, was 2264, representing a tonnage of 452,438 tons, while there cleared outwards to that country only 785 ships, of aggregate tonnage of 163,492, showing that 1479 English ships, representing a tonnage of 288,946 tons, must have traded to Russia from a third port unprotected by any Act of Parliament.

Parliamentary  
Return, March  
22nd, 1847,  
moved for by  
Mr. Liddell.

"The proportion of foreign tonnage as compared with American entering the ports of the United States, appears to be on the increase. In 1821 it was somewhat under 10 per cent., it is now above 31 per cent. The proportion of British ships in such foreign tonnage has been large during the whole period, and is on the increase. In no one year between 1821 and 1844 has it been less than 53.41 per cent., sometimes above 80 per cent.; and in the last year of the series, of every hundred tons of shipping, not American, which

United States  
and foreign ton-  
nage.

entered the ports of the United States, eighty-three were English, so that in the chief neutral ports our ships exceed all others.

France and  
foreign tonnage.

G. R. Porter,  
7649, 7650.

"In 1825, the amount of tonnage under the French flag that entered the ports of France, was 329,735 tons, and in 1844 it was 679,066 tons; whereas, the foreign tonnage that entered the ports of France in 1825, was 414,670 tons, and in 1844 it was 1,357,789 tons. Therefore the proportion which the French bears to the foreign tonnage, is not at all to be compared with our own trade. The French tonnage is far less than the foreign. Ours is far greater than the foreign. In 1844, the proportion was, as nearly as possible, one-third French, and two-thirds foreign."

France has a very strict Navigation Law, nevertheless foreigners beat her, and we, where no Navigation Law even makes pretence of protecting us, beat those same foreigners.

From all of which it is clear, that we stand at the head of the commercial marine of the world, far in advance of all our rivals, and that we have gained the best part of that position in competition with them, and not under protection. We do not owe the greatness of our shipping to the Navigation Laws, but—

G. R. Porter,  
7635 and 7630.

What it is that  
has made our  
shipping.

"To the great capital that there is in this country, the large amount of trade that we have carried on, the genius of the people which is favourable to enterprise of all kinds, and especially maritime enterprise, to the great skill we have acquired in carrying on our operations, to the number of ports which we have in all parts of the coast; and, in fact, to the natural and acquired advantages of this country, which are very great as compared with any foreign country. We owe the increase of our commercial marine to all those causes combined, *in spite of Acts of Parliament.*"

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#### THE STRONGHOLD.

But, say the shipowners, you blink the question. The grand point is the training up of seamen for the royal navy. Well, be it so. We say the Navigation Laws do not find seamen for the navy. Captain Sir James Stirling states, that "*It is a great mistake to suppose that the navy, at the present moment, derives any considerable number of seamen from the merchant service; that there are not above a thou-*

Navigation  
Laws do not  
man the navy.



*sand men in the royal navy who have been brought up in the merchant service, the rest are trained in the navy itself; and that of able seamen who enter from the merchant service for the first time, one-half desert from their first ship, consequently they are not very anxious to have them."*

Very good, that is in a time of peace ; but when war breaks out the men are ready in the merchant ships. Well, the figures already quoted show that our unprotected trade employs by far the largest portion of our shipping, and that it has increased at more than double the rate of the protected. It needs no reasoning to prove, that the trade which employs the most ships, rears the greatest number of sailors.

The position of the protectionists, that the Navigation Laws find men for the royal navy, is therefore untenable, unless it can be shown that its preserves do not extend beyond the sixty or seventy thousand seamen employed in the Colonial trade, and that, in case of war, there would not be a grand battue amongst the hundred and fifty or sixty thousand sailors that man our ships in the foreign trade. And even then, to prove their case, they must show that, without Navigation Laws there would be no trade to the Colonies for our ships ; which, with all their ingenuity, would be a puzzle out of which no mystification could help them, because of the simple fact, "*That the British shipowner does compete successfully with the foreign shipowner, in trades where they meet upon an equal footing, and that it is not possible to see any way in which the Navigation Laws can increase trade,*" though there is no difficulty in understanding how their restrictions, cramping and limiting the transactions of merchants, have prevented its increase.

The royal preserves of seamen.

G. R. Porter, 7698.

We are successful in competition.

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#### THE COASTING TRADE.

It has been demonstrated that by much the greater number of our sailors are engaged in the unprotected foreign trade ; that therefore, though the mercantile marine be the preserve of

the Royal Navy, the game being most abundant outside the Navigation Law, and there increasing the fastest, the Royal Navy has no need for such law by way of game keeper. But the shipowners fighting for their monopoly inch by inch, and always under the colour of the national defences, take their final stand upon the coast, And ask, are foreigners to have our coasting trade, the greatest trade of all, the nursery of our ablest seamen?

Excellence of  
the north men.

The navy, say they, may for the most part be well enough manned by men whipped up at random from any ships, but the ablest of them—the men for the coldest climate—the fiercest storm—the greatest danger—must come from our northern coasts. They are the hearts of oak. The Royal Navy would be nothing without them; and their fearless hardihood and firm endurance can be learned only on our bold and dangerous coast.

How these men  
are trained.

There is no need to say more; we grant every word of it. There are no such seamen as these North men—no such dangerous coasting as that in which they learn their seamanship;—and they must be bred to it. Man and boy, winter and summer, day and night, they must be before the mast, until they have learned to live almost without sleep, and in storm, in cold, and in mist, to brave an iron-bound coast as fearlessly as if it were an open sea. And now pray tell us how soon the foreigners who are to swarm such coasts, and to carry off all our trade, may be expected to have acquired all this power and knowledge, and to have learned English besides, and formed such connexion in our sea-port towns, as to persuade the very owners of English vessels with well-trying crews, to let their own ships lay up idle, and give their cargoes to inexperienced foreigners.

The case is almost too absurd to dwell upon; but for corroboration of what we have already said, we give the evidence of Sir James Stirling, a Post-captain in the Navy, of long experience, who has made the working of our Navigation Laws his study, he says:—

*"I think there is very good reason to conclude that the foreigner could not by any possibility compete with English seamen, or English ships, in that particular branch of trade. It is probably known to the Committee, that the men brought up in that branch of business enter into it very early in life; that it requires habits, the groundwork of which must be laid in very early youth. It requires local knowledge and skill in that particular line to enable them to make a living in it, so much so, that English seamen brought up in other lines would hardly be able to earn their salt in it. It requires great hardihood, great individual energy, and peculiar knowledge of the business itself; and on those grounds it appears to me that it would be very difficult for foreigners to enter into it. There may be here and there a foreigner who is fond of navigating in long, dark winter nights on the English coast, but I do not think that there are many foreigners who would undertake that branch of business. My acquaintance with that branch is merely of a general nature, and I have therefore endeavoured to ascertain what are the opinions of those who have been more conversant with that particular line of employment than I have, and I find that Mr. Straker, a person who has been very much engaged in that branch of business, in answer to Question 2960 of the evidence given before the British Shipping Committee in 1844, says, 'The coasting trade is one of those difficult trades to manage that there are very few foreigners that could manage it; they could not navigate the coast; we understand that better than they do, and that they cannot deprive us of.'"*

Evidence of  
Captain Sir  
James Stirling,  
R.N., 4583.

And further, Mr. Young has given it as his opinion, that—

*"It would in any case be purely visionary for the British ship-owner to expect to man his ships with foreign sailors; it being opposed to all the principles of human nature, as well as experience, to imagine that men, except under the pressure of absolute necessity, will in any considerable number abandon their homes and country to enter into employment in another country."*

Evidence of  
G. F. Young,  
5297.

From which it follows, as a matter of course, that foreigners would not in great numbers abandon their homes and country, and come, ships and all, to carry on our coasting trade.

Therefore, even if it be held that these best seamen who through such long years of hardship gain their skill, have only a right to dispose of it in the best market during peace, but that in war, their ships are a kind of Africa, from which we seize slaves to fight; still there is no case made out for the Navigation Laws, for we have it before us, that they in no way add to the numbers or seamanship of those best sailors, and

that the repeal of such laws could in no way take from their numbers or efficiency.

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#### THE CREED OF THE OLD SCHOOL.

W. Richmond. Your shipowners of the old school, however, "scarce ever move without the Navigation Act;" a well-worn 12th of Charles II. is their constant companion, carried about with such affection as the saints of old carried their precious relics; and never relic was believed to have worked more miracles than this same act. The following may be taken as their confession of faith.

G. F. Young. 5217. "It appears, from historical records, that the immediate effect of the passing of the Navigation Act of Charles II., was that the shipping engaged in the mercantile navigation of the country was within twenty years, more than doubled. At the commencement of the last century, the mercantile tonnage of the country amounted to 216,000 tons. At the conclusion of the last war, it had reached 2,600,000 tons, and it has now attained the enormous magnitude of 3,800,000 tons, all during the continuance, and under the operation of the Navigation System; and it is to my humble perceptions, as clearly demonstrated, as the solution of any mathematical problem, that it has been chiefly in consequence of the practical operation of those laws, by which, through the immense mercantile tonnage which has been created, the genius of the people inhabiting our maritime districts has been directed toward maritime pursuits; the Royal Navy has been effectually manned, and our naval triumphs have been achieved.

W. Richmond. 7978. "Rather would I go back to the old law, and be without an export trade, than let Prussia, Russia, France, and America, send their ships here. I am one of those old-fashioned people that think that the exports to foreign nations are a drain rather than a gain to this country, and that the less we send out of the country the better. And I deeply regret to say, that the only remaining thing connected with our whole important and magnificent Colonial system which enabled us to baffle the efforts of the world united against us, is that part of the system under which the produce of those Colonies is obliged to be brought to this country in British ships."

J. M'Queen,  
Esq. 6238.

Such pretty nearly, word for word, is the creed of the little sect of protectionists who have taken their stand on British shipping. Divert it of all circumlocution, and here it is.

## THE MATHEMATICAL DEMONSTRATION.

The Navigation Laws were made to increase shipping.

Shipping has increased.

Therefore the Navigation Laws increased it.—Q. E. D.

If you tell them

That ships are for carriage of goods by sea,

The goods to be carried have increased,

Therefore ships have increased;

or that because of the growth of our numbers, wealth, and manufactures, and the increased population and productiveness of the whole world, there is an increase of goods of all kinds to be carried across all seas,

That ships alone can carry them ;

That, therefore, ships have been increased by our increased numbers, wealth and manufactures.

They will answer that those who say so are traitors to our national prosperity, who would hand over all the ships, all the sailors, all the trade, all our lives, liberties and properties to foreigners—not a sailor would be left to man the Royal Navy—not a ship to defend our shores—and the British flag would be seen on the sea no more.

It has already been shown, that when in 1660, the Act came fresh from the Royal assent, it was written against by able men, and proved to be injurious to trade, but that trade growing in spite of it, the injury came to be forgotten, that since then our tonnage of “enormous magnitude” has by far, the most of it, grown up outside the Navigation Laws, not by their help, but in spite of their hindrance.

It remains to show that the abandonment of a chief part of our important and magnificent Colonial System, and the abolition of protection at home have been

## A GREAT BOON TO BRITISH SHIPPING.

The importance and magnificence of our Colonial system consisted, according to protectionists, in prohibitions and

Short supply  
was the aim  
and end of our  
Colonial system.

differential duties, intended to secure to the Colonies the exclusive right of supplying us with timber, sugar, coffee, and other less important articles of their produce; and was kindred with the Home system which placed high import duties on wool, excluded live animals and provisions, and kept such duties on corn, meal, flour, &c., as effectually prevented their being articles of regular trade; and no less effectually prevented the people of England from having enough of them.

From 1824, when Mr. Huskisson removed some prohibitions, and lessened the amount of several protective duties, up to 1846, when the very Parliament elected to maintain them, completed their abolition, every reduction of duties and relaxation of the colonial and home protective systems, has been uniformly followed by increased consumption and import of the several liberated or partially relieved articles, and of exports to pay for them, to the no small benefit of all carriers by land and water. Porter's Progress, M'Culloch's Commercial Dictionary, and the annual and quarterly Parliamentary returns of the Trade and Navigation of the Kingdom, furnish abundance of instances in proof of this position, from which authorities, we will presently take a few articles of import, which at the commencement of the Parliament of 1841, were prohibited or heavily restricted, and compare them with the amount imported in 1846, when these prohibitions and restrictions were either repealed or relaxed. First, however, it may be as well to have before us

#### THE STATE OF SHIPPING AFTER FOUR CENTURIES AND A HALF OF NAVIGATION LAWS.

Distress of ship  
owners.

From 1838 to 1844, in spite of the acts for encouragement of mercantile vessels, shipowning was not profitable. Ships were glad to carry for almost any freights; there was scarce any employment for shippers; sailors were in extreme want; shipowners were sinking in circumstances, and becoming bankrupt.

The Navigation Laws had been in force for about four centuries and a half, yet so desperate was the case of the builders, owners, carpenters, seamen, and, in short, of all who sought to live by shipping, that they came to Parliament for a committee, to inquire whether any thing could be done to save them from utter ruin.

It was in those very years that this same shipcraft most actively opposed the admission of foreign corn. They petitioned Parliament against it, they sent up deputations, made speeches against it, and voted against it at elections. They had faith in the power of Parliament to help them by restriction, but none in the power of extended commerce; they relied on laws to diminish cargoes, rather than relaxations to increase freights. As the waggoner in the fable called on Hercules, so did they call upon Parliament.

Accordingly a most sympathising committee was appointed by the House of Commons. Various propositions were made by various witnesses, whose testimony was received and given with the greatest complacency. Some proposed a tax on colonial shipping, others again to repeal the reciprocity acts, forgetting that these acts were not optional on our part. With tears in their eyes, they showed what disadvantages they laboured under, and how unequal an Englishman was to maintain a struggle with a foreigner, and in fine, made out so terrible a case of incompetency and distress, that they put the committee at their wit's end to devise some means of assisting them, in the extremity of destitution into which the law for the encouragement of the mercantile marine had betrayed them.

Committee  
appointed, 1844.

In the midst of this it was ascertained, that of all manures the most rapidly fertilizing, and that productive of the richest crops, was guano. It was found on various islands near the coasts of Peru and Bolivia. The first cargoes brought to this country found quick sale, and yielded large profit, and whilst the Blue Book was growing in bulk in the Shipowners' Committee, there arose a stir amongst the shipping. Every *idle* vessel that dare attempt so long a voyage, cleared out for

Discovery of  
Guano, 1844.

Ichaboe, so that in 1844, it was said that 600 vessels of all sizes had sailed there or elsewhere for guano.

Result of the inquiry of the Committee of 1844.

Result of the discovery of Guano, 1844.

The distress was over, the ships, committee, witnesses, and petitions, all disappeared together. Thanks, not to Parliament, not to the Shipowners' Association, but to the Penguins and the various kindred myriads of birds that had sat upon those islands and coasts for ages. They did more for the shipping of England than all the Navigation Laws ever did or could have done. The statutes were not wanted any where that ships could carry them. The dung, and feathers, and bones, and mummified carcasses of those ages of countless Penguins were wanted. The statutes could find no work for shipping—the Penguins did. And what they did in 1844, free trade in corn has done in 1847. The Act of Parliament, for the encouragement of the mercantile marine has been ignominiously suspended, but a great trade has brought high freights, any thing to the contrary notwithstanding.

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#### PROSPERITY TO SHIPPING FROM ABOLITION OF PROTECTION.

Live animals and provisions.

From the 5th of January 1842 to the 5th of June 1847, there have been imported 228,634 live animals, and 966,397 cwts. of provisions. Both were previously prohibited. The trade in them, and the employment of ships to carry them, has therefore entirely arisen since 1842, and both are rapidly increasing branches of trade. The import of live animals for the first five months of this year, 1847, being about double that of the same five months of last year, and eight times that of the first five months of 1845, and the quantities of provisions imported in the first six months of the present year, 1847, exceeding those of 1846 by one hundred, and of 1845 by three hundred per cent.

Butter and cheese.

During the same period, the import of butter and cheese has been 2,449,109 cwts., also showing a steady increase, but on butter there remains a duty of ten shillings, and on cheese



of five shillings the hundred weight, which is quite sufficient to keep down the consumption and prove an injury to ship-owners, who being simply carriers by water, prosper in proportion to the quantity of goods of whatever kind, that must be sent to and fro across the seas.

From the 5th of January 1846 to the 5th of June 1847, the trade in corn may be said to have been free; and certainly the amount and increase of import is enormous.

Of all kinds of grain there have been imported 7,101,368 quarters, and of flour and meal of all sorts 5,883,879 cwts., being together in round numbers 1,814,951 tons, to which add the number of tons of provisions, butter and cheese, being 170,775, making the total of new trade 1,985,726 tons.

Of the above quantities 3,286,702 quarters of grain, and 2,627,067 cwts. of flour, meal, &c., have been entered in the first five months of 1847; and to what amount this trade still in its very infancy may extend, it would be no easy matter to calculate.

But our case does not rest here. In the August of 1846, the new scale of sugar duties came into operation, and the consumption from the 5th of that month, to the 5th of January 1847, exceeded the consumption of the same months in 1845, by 503,375 cwts., and from the 5th of January to the 5th of June, 1847, there was a further increase of 435,012 cwts., making a total increase during the ten months of 938,387 cwts., or 46,919 tons. Diminished protection and lower duties on coffee were adopted in 1845. The quantity taken for consumption that year, exceeded the quantity in 1844, by . . . . . 3,862,181 lbs. The increase in 1846 was . . . . . 2,463,296 „ and of the first five months of 1847 . . . . . 1,730,857 „

Grain and  
Flour.

Increased con-  
sumption of  
coffee.

being a total increase of . . . . . 8,056,334 lbs. or we may say, 3357 tons. We would have shipowners turn also to the account of the trade in timber, in which we have already shown, that of the 650,000 tons' increase of shipping

Freedom finds  
freight for  
more than 5000  
ships.

from the Colonies, 534,711 tons are due to the reduction on the Timber duties, a measure somewhat hotly opposed by ship-craft ; but which tons of timber would nevertheless lade 1069 five hundred ton ships. We might heap instance upon instance, of the like results from the abandonment of " our magnificent " system of confining the population of these kingdoms to the produce of our own land, or the land of our possessions ; but it would merely overload the present view of the case. So far we have before us 228,546 live animals, and 2,570,713 tons' weight of corn, provisions, sugar, coffee, and timber brought here from across the seas, a downright tangible fact, the result not of protection to shipping, but of freedom to commerce.

Tons' weight,  
versus  
12th Chas. II.

We say that these live animals and tons' weight increased the Commercial Marine, by the number of ships required to convey them. Shipowners say, they would rather trust to the 12th Chas. II., c. 18. So, on the one side are the 228,546 live animals, and the 2,570,713 tons' weight, and the 12th Chas. II., and so forth, on the other ; and which may be the best friend to the shipping interest, we, as the old writers were wont to say, " submit to judgment."

Cotton and  
Charter Mari-  
tima.

In this view of the case, we have yet another point to put :—About 1640, cotton began to be manufactured in Manchester ; and, therefore, became an item in our imports about the same time that the Maritime Charter undertook to increase our ships. In 1705, the whole import amounted to 1,170,881 lbs., so, in half a century, cotton had not done much more for ships than the Charter had. In after years came the spinning jenny, the frame, the mule ; and in 1810, the import was 90,000,000 lbs. Improvement went on : the steam engine and power loom brought their giant help ; and in 1845, the import reached 773,350,000 lbs., the whole shipped to this country, either from India or America. Out of this cotton were manufactured some £25,600,000. worth of goods for foreign use ; a rich and ready freight for ships to all the ports of the world. And not one pound of that 322,312 tons of cotton, nor one bale of those millions' worth of goods, did any

or all of the Navigation Acts produce. Kindred to them would have been the exclusion of all cotton, that it might not compete with sheep's wool, and the exclusion of all wool (of which we import from sixty to seventy million pounds annually) unless that grown on the backs of English sheep. But there is another source of new trade worth attention.

"As late as 1816, British ships were taken up to go to India and return at a freight of £33. to £34. per ton, and are now to be procured for £6. or £7. per ton both voyages. Under the higher freight, there were very few articles that would bear the expense of transport to this country. The tonnage now employed in the trade with India is at least *ten times* what it was in 1816, and that increase is referrible to the reduction of freights in a great measure, if not entirely."—Sir J. Stirling, 4582, 4583.

Increase of Indian trade from low freights.

We have given the above, merely as glimpses of the true causes of the growth of trade and shipping; in how many directions they have been retarded by prohibitions, taxes, and imagined helps, and with what speed they have increased under the impulse of freedom and low freights, we leave to our readers to follow out for themselves, merely reminding them that the vessels crowding inward with cattle and corn, sugar and coffee, cotton and wool, have not cleared out in ballast, but carried the products of England's industry to every corner of the globe. Every increased import has had its increased export, and freedom of trade has therefore been a double benefit to all shipcraft, and has really accomplished for them what the 144 Acts of Navigation (for so many do we count beginning at 1660,) undertook, but failed in, *the increase of the Commercial Marine.*

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#### CARRYING BY SEA, AND WHOSE SHIPS HAVE MOST OF IT.

The increase of late exceeds all precedent, and is by far the most of it in British ships.

The tonnage of our imports and exports, was in

1843 . . . . . 9,824,562

1845 . . . . . 12,077,305

showing an increase of . 2,252,743 tons in the two years.

Porter's Progress, sec. 3, c. ix, page 401.

The increase still goes on, the tonnage of export and import was in the first seven months of

1845 . . . . .	5,093,730 in
1847 . . . . .	5,898,714

showing an increase on the three months of 804,984 tons.

We give the account of the division of this increase between ourselves and foreigners:—

G. R. P. 7592.

Foreigners have not surpassed us.

The increase in British tonnage from 1814 to 1824, was 892,653 tons, and in Foreign tonnage, 303,920 tons, the total being 1,196,573. From 1824 to 1846, the increase in British tonnage employed inwards and outwards, has been 5,233,295 tons, and of foreign tonnage 2,221,290, the total being 7,454,585; that is the increase in the import and export trade, between 1824 and 1846. The increase from 1814 to 1846, was 6,125,948 tons of British, and 2,525,210 tons of Foreign, the total being 8,651,158 tons.

So it appears that neither the cheap timber, nor cheap food, nor low wages, nor no taxes of foreigners, have enabled them to build and sail their ships to the exclusion of ours. We also have it in evidence, and that from protectionist witnesses,—

“That the freights obtained under the Navigation Act, have not yielded a good profit, but that it has required the greatest economy and care to enable the shipowner to get a fair return upon his capital.”—J. Dunbar, Esq., 4460.

The Act suspended, the profit great.

Now the *Navigation Law* is partially suspended, and it is notorious that shipowning is more profitable than it was ever before known to have been.

With all these facts before them, there are to be found men who are in daily wonderment that the Colonies still grow sugar, and England corn. They have no patience with the perversity of the land that it wont even begin to go out of cultivation, nor with the bold peasantry for continuing in existence, nor with wages for not tumbling down at once to *four-pence* a-day, nor with the national income which, instead of bearing out their prophecies, has, even in a time of distress, (a thing it never did before), gone on increasing. No doubt to such perverseness of land and peasants, corn, sugar,

and revenue, we owe it that "the central committee for upholding the principles of the Navigation Laws" stand alone, the sole representatives of an extinct system; the last of a long line of protectionists, like all their predecessors, proclaiming that they alone are patriots, that on them alone depend the defences of the state, that but for the privileges by which they stand, we should be overrun and eaten up by foreigners.

We had heard all this boasting of patriotism before, and had answered it, and turned public opinion against it, and had beaten it, and it was quite a curious study to hear the last of the Monopolists, before the Committee on the Navigation Laws, defending the last of the monopolies, and, like the elephant which throws mud over its back to protect itself from the flies, depreciating themselves, libelling the shipwrights, and denying the resources of their country, in order to maintain a miserable statute as a defence against competition.

Our shipowners admit, that for the last year they have had very high freights, and that shipowning has been a right prosperous business. Not that they have had any fresh statutes, or any new clauses in the Navigation Act, or any restoration of the old ones; far from it, the whole Act is in abeyance, and yet the world goes on pretty much as usual, neither Englishmen nor foreigners, landsmen or sailors, seem to care one jot about the old Navigation Law, they are all so busy with the new trade.

But the Central Committee for the preservation of the Navigation Laws do care, and the more trade increases the more they care, and the more eager they become to impress the public with a due sense of the vast importance of the shreds and patches of the old Charter that are left.

The fact must be, that looking at this great trade in all its wondrous growth, they have become possessed with the notion that they should have it all. That since, in our great degeneracy, we have permitted the sun beyond the bounds of England to ripen corn for us; and have allowed the climate of

the tropics to produce coffee and sugar and spices outside those possessions of ours, on which the sun never sets, the very least we ought to do is to put down, or keep down, all other shipping. But the suppression of all other shipping could not help them after all. If the commodities could not be sent at a reasonable rate, they would not be sent in equal quantities. The demand for them increases in proportion to their cheapness—their cheapness depends on the cost of their production.

The cost of production is not to be calculated at their warehouse at home, but at their market abroad. If the amount paid for transport be large, then the commodity becomes dear, so many fewer buyers are in the market, by so much the consumption is diminished; but if the cost of conveyance be small, less is added to the price, and the article comes within the reach of more consumers.

We will admit for the sake of argument, that if there were a little carried at high freights, it is possible that it would yield as much profit to a small number of ship-masters with a small number of ships, as a great deal at low freights to many shipowners with many ships; but then what becomes of the encouragement to the mercantile marine for the purpose of supplying the Royal Navy?

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#### ENGLAND OF THE OLD NAVIGATION ACTS, AND ENGLAND NOW.

Old England.

The first of the long line of Acts came into existence when the population was not yet 2,000,000, colonies not founded, America unknown, upon a trade the whole of which would scarce stock one Wood Street warehouse, and with a fleet that three or four of the Thames steam-tugs could haul away with more ease than Gulliver did the whole navy of a hostile nation of Lilliputians. There might be some excuse for the experiment of such enactments then. Looking at so small a marine, Parliament might with ease fall into the

mistake, that it could increase the English navy. But how comes it, that such Acts are sought to be continued, when experience has crowded facts against them. The population of these kingdoms is some thirty millions, our colonies are in every climate, and of every people. In America, twenty millions sprung from our own race, speak our own language. In India, our fellow-subjects number more than 150 millions. Our machinery, a miracle of invention and of power, does the work of countless multitudes, and makes us rich with the produce of its labour. Our exports and imports are more than £130,000,000 worth annually; our own registered ships exceed 24,000; our colonies have 7000. The tonnage of our imports and exports is 12,000,000. We have more than 900 steam vessels; our speed of transit by land and water has brought all places near, and make time and life tenfold valuable. We owe all this, not to laws made under the name of protection, but to our natural position, to our iron and coal, our persevering industry, our indomitable energy, and spirit of enterprise. We owe it to our Hargreaves, Watts, and Arkwrights; to such inventive genius as has made our productions cheap, brought them within the reach of millions, and so spread them throughout the world. These are the sources of this world-wide trade; it needs no help: nature has made its laws, it has forced its own way, conquered its own worlds, and fulfils its destiny in rousing every where the utmost energies of men, and spreading every where abundance and peace.

The England of  
our day.





## THE NAVIGATION LAW AS IT IS.

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In the introduction we have endeavoured to point out the professed intention and actual results of the Navigation Laws, and to show that they and trade and ships, never did get on helpfully together. It has been our purpose hitherto to avoid long extracts from the Acts, and any attempt to map out the involved labyrinth of laws, through which generation after generation of shipowners have gone wandering about in search of a great navy.\* It is essential, however, that we should state how the law now stands.

In September, 1833, an Act came into force (the 3rd and 4th Wm. IV., c. 54), entitled for the encouragement of British shipping and navigation; it made some alterations in the older laws, and was itself in a few trifling particulars, amended by the 8th and 9th Vic., c. 88, which is now the statute Navigation Law of the kingdom. We copy an abstract of it from a very able paper laid before the committee by Mr. Lefevre, under the several heads of the Coasting, Colonial, and European Trades, and the Trades with Asia, Africa, and America. Shipowners have rallied round it as a precious relic, the nursery of British seamen, the sheet-anchor of our navy. *As well as we can count, it is the hundred and*

A.D. 1833.

\* To those who are anxious to follow the tangled maze of our maritime enactments, we recommend a perusal of Reeve on shipping, Abbot on ships and seamen, Maxwell's spirit of marine-laws, Neale's abstract of sea-laws, &c., &c.

*forty-fourth Act of the Acts to amend an Act passed for the self same purpose, since 1660.*

We give also an abstract of the chief provisions of the law for the Registration of Shipping, and of the Merchant Seamen's Act, both of which are part and parcel of the Navigation Law, and essential to a clear understanding of how it works.

#### THE COASTING TRADE.

*Law in 1847.*

(8th & 9th Vict., c. 88.)

8th & 9th Vict.  
c. 88, s. 8.

Foreign vessels  
may trade on  
our rivers.

“No goods or passengers shall be carried coastwise from one part of the United Kingdom to another, or from the United Kingdom to the Isle of Man, or from the Isle of Man to the United Kingdom, except in British ships.”\*

It will be observed that the Navigation Act of 1660, does not prevent foreign built vessels from engaging in the coasting trade. The prohibition extends only to such as are foreign owned. By the Act 1, Jac. II., c. 18, an extra duty of 5s. per ton for every voyage, was laid upon all foreign built ships engaged in this trade. Subsequently, by 34 G. III., c. 68, (extended to Irish ships by 42 G. III., c. 61,) it was enacted, that vessels engaged in the coasting trade should be wholly navigated by British subjects, and this provision is still in force by virtue of the definition of a British ship, given in the 12th section of the Act 8th and 9th Vict., c. 88. The absolute restriction of the coasting trade to British built ships was not introduced till the Consolidation in 1825.

The trade with the Isle of Man was put on the footing of a coasting trade in 1844.—*From paper laid before the Committee by Mr. Lefevre.*

Historic note  
on coasting  
trade.

\* The 8th and 9th Victoria, c. 88, was the first Act in which the word “passengers” was inserted. Previous to that, there was no law to prevent a foreign steamer carrying passengers from one English port to another English port, and there is no law at present to prevent a foreign vessel navigating any of our rivers.—*Evidence of J. Braysher, Collector of Customs in the port of London.*

## COLONIAL TRADE.

*Law in 1847.*

Rule.

(8th &amp; 9th Vict., c. 88).

Rule 1st.—“ No goods shall be exported from the United Kingdom to any British possession in Asia, Africa, or America, nor to the islands of Guernsey, Jersey, Alderney, or Sark, except in British ships.”—(Sec. 7.) Sec. vii.

*N.B.*—But Vessels belonging to the United States may carry goods from this country to the principal British settlements in the East Indies. (59th G. III. c. 54, s. 6.) And it is understood that the Queen may conclude treaties, allowing the same privilege to the ships of other foreign countries, and some such treaties have actually been concluded; e. g. with Austria and Russia. (See 8th & 9th Vict., c. 90, s. 9.) United States, and British India. The Queen may conclude treaties. Austria, Russia. (See Report.)

Rule 2nd.—“ No goods shall be carried from any British possession in Asia, Africa, or America, to any other of such possessions, nor from one part of such possessions to another part of the same, except in British ships.”—(8th & 9th Vict., c. 88, sec. 10.) Sec. x.

Rule 3rd.—“ No goods shall be imported into any British possession in Asia, Africa, or America, in any foreign ships, unless they be ships of the country of which the goods are the produce, and from which the goods are imported.”—(8th & 9th Vict., c. 88, s. 11.) Sec. xi.

1. But Her Majesty may, by Order in Council, declare that goods, the growth, &c., of any foreign country, may be imported into Hong Kong, from the same or any other foreign country, in vessels belonging to the same or any other foreign country, and however navigated. (Sec. 12.) Exception 1st, as to Hong Kong.

2. And also that goods of any sort, or the produce of any place, *not otherwise prohibited than by the Law of Navigation*, may be imported into any port or ports of the British possessions abroad, to be named in such Order, from any place in a British ship, and from any place not being a part of the British dominions, in a foreign ship of any country, and however navigated, to be warehoused for exportation only.—(Sec. 23.) Exception 2nd, as to goods to be warehoused for export. Sec. xxiii.

Rule 4th.—The privileges of trading allowed to foreign ships under Rule 3, are limited to “ the ships of those coun-

Restriction on exceptions of Rule 3.

Exceptions on restriction.

And Her Majesty may by Order in Council declare any Port or Ports to be Free Ports.

Explanation.

Inland navigation.

Exceptions as to Newfoundland, Labrador, Guernsey, and Jersey.

tries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, on the footing of the most favoured nation. Her Majesty, by Order in Council, may grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such foreign country.”—(8th and 9th Vict., c. 93, s. 4.)

Rule 5th.—“ No goods shall be imported into, nor shall any goods, except the produce of the fisheries in British ships, be exported from any of the British possessions in America by sea, from or to any place other than the United Kingdom, or some other of such possessions, except into or from the several ports in such possessions called ‘ Free Ports.’ ”\*—(8th & 9th Vict., c. 93, s. 2.)

*N.B.*—This applies to the Mauritius as well as the American possessions. (*Ibid.* s. 62.) The trade of other colonies is regulated by the Queen. (*Ibid.* s. 90.) Goods may be imported by inland navigation into any place where there is a custom-house. (*Ibid.* s. 45.) The rule is not to extend “ to prohibit the importation or exportation of goods into or from any ports or places in Newfoundland or Labrador in British ships,” and certain articles may be imported from Guernsey and Jersey into places whence the fishery is carried on, though the same be not free ports. (*Ibid.* s. 2.)

#### TRADE WITH ASIA, AFRICA, AND AMERICA.

*Law in 1847.*

(8th & 9th Vict., c. 88.)

Rule.

Sec. iv.

Rule 1st.—“ Goods, the produce of *Asia*, *Africa*, or *America*, shall not be imported into the United Kingdom, to be used therein, in foreign ships, unless they be the ships of the country in *Asia*, *Africa*, or *America*, of which the goods are the produce, and from which they are imported,

1. “ Goods, the produce of the dominions of the Grand Seigneur in

\* For list of Free Ports see Appendix.

*Asia* or *Africa*, which may be imported from his dominions in *Europe* in ships of his dominions :

2. "Raw silk and mohair yarn, the produce of *Asia*, which may be imported from the dominions of the Grand Seignior in the Levant Seas in ships of his dominions :

Exceptions as to Grand Seignior's dominions in Europe, and Levant Seas.

3. "Bullion may be imported in any ship :

Bullion.

"In case any treaty shall be made with any country having a port or ports within the *Straits of Gibraltar*, stipulating that such productions of *Asia* or *Africa* as may be by law imported into the United Kingdom from places in *Europe* within the *Straits of Gibraltar* in British ships, [see next rule] shall also be imported from the ports of such country in the ships of such country, then and in every such case it shall be lawful to import such goods from the ports of such country in the ships of such country."

Exceptions may be made by treaty.

Sec. iv.

*N.B.*—But such goods, not being otherwise prohibited, may be warehoused for exportation from any ship and without any treaty.

Goods warehoused for export.

Sec. iii.

Rule 2nd.—"Goods, the produce of *Asia*, *Africa*, or *America*, shall not be imported from *Europe* into the United Kingdom to be used therein, except the goods hereinafter mentioned ; (that is to say,) .

"Goods, the produce of the dominions of the Emperor of Morocco, which may be imported from places in *Europe* within the Straits of Gibraltar :

Exception as to Emperor of Morocco.

"Goods, the produce of *Asia* or *Africa*, which (having been brought into places in *Europe* within the Straits of Gibraltar, from or through places in *Asia* or *Africa* within those Straits, and not by way of the Atlantic Ocean) may be imported from places in *Europe* within the Straits of Gibraltar :

Mediterranean.

"Goods, the produce of places within the limits of the East India Company's charter, which (having been imported from those places into Gibraltar or Malta in British ships) may be imported from Gibraltar or Malta :

East Indies.

"Goods taken by way of reprisal by British ships :

Reprisals.

"Bullion, diamonds, pearls, rubies, emeralds, and other jewels or precious stones."—(8th & 9th Vict. c. 88, s. 3.)

Bullion, Diamonds, &c.

*N.B.*—The Lords of the Treasury may permit "any goods the produce of the British possessions or fisheries in North America, which shall have been legally imported into the islands of Guernsey or Jersey direct from such possessions, to be imported into the United Kingdom for home use direct from those islands, under such regulations as they shall direct."—(8th & 9th Vict. c. 86, s. 44.)

Guernsey or Jersey.

## TRADE WITH EUROPE.

*Law in 1847.*

(8th &amp; 9th Vict. c. 88)

Rule.                    “The several sorts of goods hereinafter enumerated, being  
 Sec. ii.                the produce of Europe, (that is to say) masts, timber, boards,  
                          tar, tallow, hemp, flax, currants, raisins, figs, prunes, olive oil,  
                          corn or grain, wine, brandy, tobacco, wool, shumac, madders,  
                          madder roots, barilla, brimstone, bark of oak, cork, oranges,  
                          lemons, linseed, rapeseed, and cloverseed, shall not be imported  
                          into the United Kingdom to be used therein, except in British  
                          ships, or in ships of the country of which the goods are the  
                          produce, or in ships of the country from which the goods are  
                          imported.”—(Sec. 2.)

Exceptions.  
 Goods for  
 re-export.

*N.B.*—But such goods, not being otherwise prohibited, may be  
 warehoused for exportation, though brought in other ships.”—(*Ib.*  
*s. 22.*)

The Queen in  
 Council may  
 make  
 exceptions.

*N.B.*—*Her Majesty may allow ports to be used as national ports by  
 the ships of countries, within the dominions of which the ports do not  
 lie, but for the exportation of the produce of which they are convenient  
 outlets.*—(See 3rd & 4th Vict. c. 95.)

A.D. 1838.  
 Naturalization  
 of Austrian  
 Ports.

This privilege of naturalisation to outlying ports was first  
 granted to Austria. The treaty of 1838 admitted her vessels  
 and their cargoes from all parts of the Danube as far as  
 Galatz, inclusive, into all our ports, on precisely the same  
 terms, as if they had come direct from Austrian ports. The  
 3rd & 4th Vict. c. 95, gave effect to the treaty and power to  
 the Queen in Council to extend the privilege, which has been  
 done in the following instances:—

A.D. 1841.

1st, The mouths of the Meuse, Elbe, Weser, Ems, and of  
 any navigable rivers, between the Elbe and Meuse, forming the  
 means of communication between the sea and the territory of  
 any of the Zollverein states, have been naturalised to those  
 states and to Oldenburgh, so that Zollverein and Oldenburgh  
 ships clearing from them, can enter here, or in our colonies,  
 just as if they came from the old ports of the Zollverein and  
 Oldenburgh.

Zollverein.  
 A.D. 1843.  
 Oldenburgh.

2nd, Vessels belonging to Lubeck, Bremen, and Hamburg, may clear from those ports and enter our possessions abroad, including Malta and Gibraltar, with goods previously permitted to be carried only in foreign vessels.

Lubeck, Bremen, Hamburg.

3rd, Russian vessels and cargoes arriving from the mouths of the Vistula or Niemen, or any other river, forming the outlet of a navigable stream, having its source in the dominions of the Emperor of Russia, and passing through them, may enter our Home and Colonial ports, on the same terms, as if they came from Russian or Finnish ports.

Russian vessels from the Vistula or Niemen.

In the same way, Barth, Stralsund, Greifswald, Wolgast, and Stettin, being ports of the Baltic, are naturalised to Mecklenburgh Schwerin. And the ports in the Trave, Elbe, Meuse, or in any other river between the Elbe and Meuse, or the Trave and Oder, are treated as ports of Mecklenburgh Schwerin, and Hanover.

A.D. 1844.  
Mecklenburgh Schwerin.

Hanover.

In addition to the above exceptions, an Order of 10th December, 1842, allows Austrian ships to bring Galician produce from Odessa, as if it were an Austrian port; and a further Order of the 4th of March, 1844, adds the mouth of the Vistula to the ports naturalised to Austria.

Austria again.

The reason given in the preamble of the Act, for all this getting to windward of the Navigation Laws is, "*that steam vessels, by their power of ascending rivers, have opened up new prospects of commercial adventure with states wholly or chiefly in the interior of Europe;*" for the realisation of which prospects, it was essential to consider the mouths of those rivers as ports of the states, though in reality the river mouth was in the dominions of a different power.

Reason of the relaxations.

Our shipowners were probably no little astounded, as Mr. Lefevre described the manner and dates of all these changes, and could scarce believe their ears when they heard, that the Crown in Council had power so to fritter away the provisions of the Navigation Law; and that so many Orders had been made, of which they, the one mighty interest, knew nothing, or next to nothing. Such ingratitude of Parliament toward

those who had been such constant clients, had found it so much to do, even from the time of Richard, in passing and amending Acts, and during all those ages had set forth so many glowing perorations, was bad enough; but worse than all, was the baseness of the shipping itself: to keep afloat, go on increasing, actually prospering, and its protection stolen away, bit by bit, for the sake of those upstart steamers, and the rivers of Europe. It was enough to make the shipowners break up their central committee, and leave the ships to themselves, to wherever enterprize might drive, or trade lead them.

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#### ACCIDENTAL EXCEPTIONS.

In addition to the exceptions made by Order in Council, it happens by accident that certain goods may be brought from Europe in any ships. When the list of enumerated articles was given, the import of cattle was prohibited. Since their admission, they have not been added to the list, so are without the pale of the Navigation Laws, and any ship may bring them here from Europe. Flour being also omitted from the list, may find its way here in any ship from Europe, no matter from whence the grain from which it was ground originally came. And sugar, though it was formerly in the list, yet having by some means got out of it, may, if refined in Europe, be brought here in any ship. And hereby hangs a tale—

Cattle.

Flour.

Refined sugar.

Whenever legislation sets itself to interfere with the natural channels of commerce, it enters on a perpetual struggle to maintain the complication which it has substituted for the simplicity of first principles. And of all these conflicts, none has been more harassing, none more uneasy, than that in which the Navigation Law has been engaged from its very beginning. Patched and cobbled by every Parliament that has sat since the year 1660, fresh rents and holes are continually showing themselves. This list of enumerated articles was originally designed to comprise all bulky merchandise, so as to ensure its transport in English ships. It has been



amended and augmented from time to time, according as new objects of commercial traffic came into the markets of the world, as the bait is changed by the fisherman when a new description of fish appears in the waters.

But at last it has come to a dead fix.

The first and smallest of our concessions to foreign countries, in respect of the navigation of the seas, was to admit the produce of each country in its own ships, and although the raw material from which the article is made may have been imported, yet the process of manufacture causes it to be held as the produce of the country so manufacturing it.

All the quibbles and dodges of diplomacy could not therefore last year enable the Board of Trade to deny that West Indian sugar refined in Holland was Dutch produce, and might be brought here as such under our Navigation Laws; and so no equivocation can prevent American corn from being ground into flour by the millers of Havre and sent here as French produce, and as flour and sugar are not included in the enumerated articles, they may be brought from Europe in ships of any country.

Sugar refined in Europe deemed European produce.

So with tobacco from Cuba, bark from Peru, silk from India or China, and many other articles.

Twenty-seven millions of francs' worth of wrought hides were, last year, exported from France. They might all have been brought here under our laws, but had they been raw hides, they must have gone back to the continent of America (whence, in all probability, they originally came), before they could have become available to our manufacturers. They are not allowed to be sent here from Europe, for our artisans to fashion into use; but let the foreigners work them up, and, in the eyes of our act of parliament, the sting of their admission disappears.

Till the year 1843, copper ore imported from abroad was permitted to be smelted in bond. Accordingly, it was brought in ships of all countries, who took out freights to South America, brought back copper ore to Great Britain,

Copper-ore.

and thence returned to their own ports with a cargo of British produce.

But, in that year, the prohibition on the import of foreign copper ore was repealed, and a duty was substituted. About this time, too, it became an article of export from Australia, so that South American or Australian copper ore became admissible into this country, *if brought in British ships.* \*

Copper smelting  
commencing  
abroad.

England exports more of her own copper than she consumes, and, up to that time, supplied the world with manufactured copper; but, being thus deprived of the power of bringing foreign ore in any ships that were available, our manufacturers are unable to meet the demand from abroad, and smelting establishments are springing up on the Continent and the United States, to compete with us. Hamburg cannot bring us copper ore to smelt, for her ships must have a back freight from South America; so that ore is brought to her to smelt for herself.

Effects of the  
Navigation law  
on the copper  
trade.

Thus we lose two profitable transactions: first, the exchange of our manufactures for the copper ore; and, again, the sale of the manufactured copper. At the same time, we do not deprive the Hamburger of his freight, while our own ships absolutely lose that proportion of the trade which they could legitimately command.

We may alter the map to suit our *charta maritima*; we may twist our interpretation of its provisions to fit in with our general policy; we may wilfully misunderstand treaties as long as we can hoodwink our neighbours; but the force of these things is too strong for diplomacy or delusion, and whatever rags or tatters of the old law may be left, the principle of enumerating particular articles to be imported in particular ships, must be utterly and irretrievably extinguished.

Evidence of  
Mr. Lefevre,  
108.

The trade between the Channel Islands and foreign countries, and the same Islands and our Colonies, is perfectly open to all goods and all ships.

\* Or ships of the country where produced—a facetious alternative—for these countries having no ships, British ships have the entire monopoly.

Importations from Malta, Gibraltar, and Heligoland, are subject to the same rule as importations from Europe; but exports to them, though they are Colonies of England, are free from the Navigation Law. So that any foreign vessels might carry coal to them from England. How came the committee of shipowners so far to relax their vigilance, as to submit quietly to this audacious infringement of their prerogative?

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AN ACT FOR THE REGISTERING OF BRITISH VESSELS.

8th & 9th Vic., c. 89.

The first thing to be done by a man who wishes to sail under the English flag, is to inform the authorities where he was born, and where he lives. And if he prove to be a genuine Englishman, living within the rules of the Navigation Act, the law which has defined his habitation, dictates to him where he is to build his ship, and how he is to man her. His natural course would be to buy her in the cheapest market, and to navigate her in the cheapest manner; but the law constituting itself a better judge than himself of his interests, by way of superinducing more ships and more sailors tells him what an English ship shall be. And this is constituted a genuine British ship by chap. 89, 8th and 9th Victoria.

What constitutes a British ship.

Every vessel shall once for all be named, and have the name on black, in four-inch-long white or yellow letters, painted on her stern, the name once given never to be changed; the ship must be surveyed, and have and keep in constant readiness a certificate of survey, describing her with such accuracy as to build, tonnage, and all other particulars, as at any time, like a traveller's passport, may ensure identification. The ship too must be entirely of the build of the United Kingdom, or some of the British possessions, or a prize in war, or condemned under some slave-trade convention. No foreigner may own any share in her, she must belong out and out to

Sec. xxvii.

Sec. ii.

Sec. v.

No foreigner can own a British ship.

Sec. xii. Englishmen, and they every one of them must live at home in England, unless they live out of it in some British possession, or reside abroad as partners in, or agents for English firms, or be members of some British factory.

Vessels the property of a corporation or company, are registered in the name of the corporate body. Very recently a question was raised as to the construction of this clause ;

“The question arose whether foreigners could hold any property in a ship belonging to a corporate body ; and the evidence which was in possession of the officers of customs that foreigners did constitute a part of that corporate body was so strong, that we refused registration to the ship ; upon which they moved for a mandamus in the Court of Queen’s Bench, and the decision of the Judges was, that a corporate body must be deemed to be an individual, and that foreigners might therefore hold a share in a ship belonging to a corporate body. An application was made to the collector and comptroller at Liverpool for the registry of a ship called the *Equador*, belonging to the Pacific Steam Navigation Company. In the first instance, the said company required registry as a joint stock company, and three members, who had been duly elected or appointed trustees, attended at the Custom-house, Liverpool, to make and subscribe the declaration of registry, in conformity with the provisions of the 13th and 36th sections of the Act 8th & 9th Vict., c. 89 (the Registry Act). It will be seen by a reference to the 13th section aforesaid, that the trustees of a joint stock company are, in common with all other owners of British ships (excepting those owned by corporate bodies), required to declare ‘that no foreigner, directly or indirectly, hath any share or part interest in the said ship or vessel.’ The trustees in question stated that they could not make that declaration ; because in point of fact, foreigners did hold shares in that ship, and also in the other vessels belonging to the said company ; and they requested the collector and comptroller at Liverpool to expunge that part of the declaration above recited. Those officers having no legal authority to comply with that request, refused to make any such alteration. The company then addressed the Board of Customs, requesting that they would direct their officers at Liverpool to expunge from the declaration the words above recited ; and the Board, after taking the opinions of their practical officers and their solicitor, refused a compliance with the request. The company’s secretary then demanded registry on behalf of the company as a ‘corporate body,’ and claimed to make the declaration contained in the 13th section of the Act aforesaid applicable to corporate bodies. It will be perceived that that declaration does not, as the other declaration does, exclude foreign interest ; and if in the first

instance the company had claimed registry as a corporate body, the probability is that it would have been granted as a matter of course, without raising the question of foreign interest. But the collector and comptroller at Liverpool, with a full knowledge that foreigners were proprietors of the vessel, and adverting to the 12th and other sections of the Registry Act, refused registry; and the Commissioners of the Customs, acting upon their solicitor's opinion, supported the Liverpool officers in their refusal to grant such registry. The company then moved for a mandamus in the Court of King's Bench, and after the usual proceedings in such cases, it was decided by the Court on the 3rd December 1846, that as the company applied for registration in its corporate capacity, the Court could not take notice of its constituent members, whether they were foreigners or not; or, in other words, that an English incorporated company was a British subject for the purpose of the Registry Act."

J. Braysher,  
Esq.

Thus foreigners incorporated can own a ship, but they cannot own a ship individually. They may, in common with British subjects, own part of a ship belonging to a corporate body, and if all the shares in a Steam Navigation Company, which was incorporated, were held by foreigners, it would be considered, in point of law, that those ships could be duly registered under that decision of the Judges of the Court of Queen's Bench.

Foreigners can own a British ship as shareholders in a corporate company.

A foreigner would not be allowed to have a share in a sloop, but he might be the owner of all the shares of a corporate body which possessed ships registered as British.

A ship loses her privileges of registry, and can no longer be a British ship, if in any foreign port she be repaired at a cost of more than twenty shillings the ton, unless the Commissioners of Customs should decide that such repairs were of absolute necessity.

Furthermore, ships once captured can never again be British, unless recaptured or condemned for slave-trading.

Sec. ix.

Doubtless this last provision is a legacy of the reign which was so prolific of Navigation Laws.

In 1670, an Act was passed "for preventing the commanders of merchant ships from delivering such ships to Turkish and other pirates, without fighting."

22nd & 23rd  
Charles II.  
cap. 2.

It was therefore enacted, "that if the master of any English ship, of the burden of 200 tons or upwards, mounted with 16 guns or more, yield without fighting, he shall thenceforth be incapable of commanding any ship, and the owners shall have their action against him for the goods lost."

"And if an English ship, under the said tonnage, yield to any pirate, not having at least double his number of guns, without fighting, the master shall be liable to the penalties aforesaid."

"Also, every mariner refusing to fight such pirates, when required by the master of the ship, shall forfeit his wages and effects, and be imprisoned for six months with hard labour."

Now, in 1847, we do not punish the captain and crew for losing their ship without fighting; but, having lost it, we forbid him to get it back without fighting.

Take care of your ship, says our law to the merchant: if once you lose her, you shall never get her back, unless we have a fair stand-up fight for it. She cannot be ransomed; you may not buy her back, or get her in exchange for a foreign-built ship: once under a foreign flag, she is contaminated, and nothing can disinfect her, unless she be retaken with a due and proper risk of life and limb, or be caught in the slave-trade, and so condemned. She may be built of British timber, by British artisans, manned by British sailors, commanded by a British captain, and owned by a British merchant; but, she is no British ship in the eye of law, unless she have fulfilled these conditions.

#### THE SEVENTH AND EIGHTH VICTORIA, CAP. CXII.,

Navigation Act,  
sec. xiii.

How a British  
ship must be  
manned.

provides, that a ship to be British, must be navigated during the whole of every voyage, whether with cargo or in ballast, in every part of the world, by a master who is a British subject, and a crew whereof three-fourths, at least, or one to every twenty tons burden, are British seamen; and, if engaged in the

coast fisheries, coasting, Channel Islands, and Isle of Man trade, the whole crew must be British seamen. It is entitled,

AN ACT TO AMEND AND CONSOLIDATE THE LAWS RELATING TO MERCHANT SEAMEN, AND FOR KEEPING A REGISTER OF SEAMEN,

and preambles, that the prosperity, strength, and safety of this United Kingdom, and Her Majesty's dominions, do greatly depend on a large, constant, and *ready supply of seamen*; and it is therefore enacted, that every British sailor and apprentice must be registered, and to be so, must answer the following catechism:—

Supply for  
Press-gangs.  
Sec. xx.

1. What is your Christian and Surname?
2. Have you or have you not been registered before?
3. Where were you born, and when?
4. When did you first go to Sea?
5. In what Capacity did you go, and in what Capacity have you since served?
6. Have you or have you not served in the Royal Navy?
7. If you have, how long? and in what Ships? and in what Capacity?
8. Have you or have you not been in Foreign Service?
9. If you have, how long? and in what Capacity? and under what Flag?
10. How have you been generally employed at Sea?
11. Where is your usual Place of Residence when unemployed?

7th & 8th Vic.,  
c. 112,  
Schedule F.

Having answered which, so as to prove himself a sailor and natural-born subject of her Majesty, or a foreigner, having a certificate of naturalization,\* or who has served in war time

Navigation Act,  
sec. xvii.

\* The English law of naturalization formerly was extremely restrictive, perhaps more so than the law of any other civilized country in the world. Now we give the utmost facility to foreigners to obtain naturalization, more facility, I believe, than is given by the laws of any other State. There is no expense incidental to becoming naturalized; the law requires that the party wishing to become naturalized, shall satisfy the Secretary of State that he is in the country with the intention to reside here; the intention to reside here is the condition, and upon the Secretary of State being satisfied on the subject, he gives to the party applying a certificate of naturalization; he does, that without any fee, or without entailing any expense upon the parties.

Wm. Hutt, Esq.  
M.P.

3723, 3724.

three years on board a Queen's ship, as the case may be; he gets a register ticket, and is entered on the books at the General Record Office of Registered Seamen, and becomes a portion of the *large, constant and ready supply* contemplated by the Act. It is difficult to understand how this Act can make the supply large and constant; but it certainly does make it ready for a press-gang when wanted.

Sec. xvii.

Lascars seamen  
excluded from  
the British com-  
mercial marine.

It is, however, curiously provided, that one large class of the born subjects of her Majesty cannot be registered as British seamen, nor can they have the command of, or constitute the crews of British ships. It is stated *that the natives of places within the limits of the East India Company's charter, although under British dominion, shall not upon the ground of being such natives, be deemed to be British seamen.* They are expressly excluded by the law, and as they are British subjects the Naturalization Act gives them no relief. Mr. Hutt, member for Gateshead, in his evidence states, that,—

“There was an important omission in the Act for amending the law relating to aliens, and that is in reference to Lascars. I have always considered that the position of the Lascars is, by the law of this country, one of particular hardship and injustice. By means of this Act of Parliament, it is competent to foreigners to become naturalized, and to obtain all the rights and privileges of British seamen; but I know of no process by which a Lascar, a subject of the British Crown, can obtain the rights and privileges of a British subject in his calling as a mariner. When I say that I know of no means by which a native of British India can obtain the rights of employment in the British merchant service which are open to foreigners, that statement should be in some measure qualified; it is certainly open to a native of British India to acquire a capacity of employment on board a British ship, if he will go to the expense of obtaining an Act of Parliament; but inasmuch as that would cost him £100., I presume that there is a practical prohibition.”—(3763.)

The natives of India may serve on board our ships of war; they are soldiers in our armies, and hold, many of them, responsible offices in our service; but they must not man our merchant ships coming west of the Cape of Good Hope. Chinese,



Tartars, Africans, Americans, the men of any country in Asia or Europe may become British sailors under the Naturalization Act at once without expense. Our African, American and West Indian fellow-subjects are on the same footing as Englishmen. The East Indian alone is denied the right of every other British subject, to earn his living on board a British ship; yet the Lascars, we are told, are trustworthy and good sailors, and there is no reason to doubt their fidelity as British subjects. They are of the same race of men as the Sepoys of the Indian army, except that they are given to maritime life.

F. C. Browne,  
3973-4-5.

It is true, that clause 20 of the Act provides, that if there are not British seamen to be had at the place the ship sails from, she may, having a certificate from the Governor to that effect, clear out with a native Indian crew, and so manned is free, on production of the certificate, to enter any British port; and so may an English ship with a crew of Spaniards, or Swedes, or foreigners of any description, under the same circumstances, but she cannot leave that port again without shipping a crew of British sailors. The ships of India are British built, British owned, British registered, and with Lascar sailors, are manned by British subjects; but the Navigation Law particularly excludes them from trade with England and the colonies of England.

Sec. xx.

3772.

The following instance given in the evidence of Mr. Francis Carnac Browne, an English merchant, and proprietor of land in India, sufficiently explains the mode of exclusion, hit upon for the encouragement of the mercantile marine.

"The *Earl Balcarras*, a well-known ship, of 1400 tons. When the Company ceased to carry on the trade, that ship passed into the possession of Sir Jamsetjee Jejeebhoy, of Bombay, a Parsee. Some two or three years ago, Sir Jamsetjee Jejeebhoy sent that ship with a cargo of cotton to Canton; she arrived there; freight was very high for England, and the price of tea very high here; he sent her home with 22,000 chests of tea; she came here manned by Lascars, English seamen not being obtainable at Canton; and according to the Navigation Laws, on her arrival here she was obliged to take on board a crew of British seamen.—(3788.)

"What is her tonnage?—She is put down at 1200 tons, but she is a 1400 tons ship. She returned to Bombay with her Lascar crew and her British crew, and Sir Jamsetjee Jejeebhoy wrote home to his agents when he saw his bills, that that was the last time he would send a ship and cargo to England, for the expenses had run away with the whole of the profit.—(3789.)

"That ship had about 70 more British seamen than she wanted.—(3790.)

"On arriving in Bombay, the first thing was to cast them adrift, and send the ship on to China, of course, with the native crew."

We shall come to this subject again when we consider the effects of the Navigation Laws on trade.

Sec. ii. & iii.

No seaman to be shipped without register ticket and agreement.

The master of every ship must have a register ticket from every seaman when he ships him, and must return it at the end of the engagement between them; the agreements for which must be in accordance with regular printed forms (for which see Appendix,) duly signed and witnessed; and if the vessel have been on a foreign voyage, the agreement (A) must be given in to the officer of customs, within twenty-four hours of her arrival at her final port of destination in England; but if trading on the coast, or to the Channel Islands, or any European port between the rivers Elbe and Brest, then the agreements (B) must be sent in half-yearly.

Sec. iii.  
No agreement required in vessels under 80 tons.

Vessels under eighty tons are not required to have any such agreement, but every seaman must hand in his register ticket to the master.

Sec. xxxvii.

Every ship, *except pleasure yachts*, must if

80 and under 200 tons have one apprentice

200       "       400       "       two       "

400       "       500       "       three       "

500       "       700       "       four       "

700 and upwards       "       five       "

Apprentices.

They must, in all cases, be British subjects, bound for not less than four years, not under twelve, nor over seventeen years of age; every one of them registered and ticketed; the ticket to be kept carefully tacked on to the indenture.

On the 31st of December, 1847, there were on the register 27,842 apprentices, which, taking the average of their several

terms of apprenticeship at four years, gives a compulsory addition of 6960 seamen every year from the class of apprentices alone, a calculation very much within the mark, as last year the number of apprentices registered was 10,376, no inconsiderable number to have forced into the ranks of sailors, the whole number of whom on the register, at the same date, was 203,050. This clause of the Act certainly does what it professes to do. It adds to the number of seamen; but in no way does it, or any other Act, find employment for them, nor can it, or any other Act, prevent such continual forced increase of the number of sailors from keeping down the wages of able seamen, or from year after year turning adrift the older men, or sending a continual stream of our able and best seamen to look after better wages in the American or other Foreign service.

Mr. D. Dunbar  
4989.

Operation of ap-  
prentice system.

Capt. Briggs,  
4793.

Our apprenticeship system is in fact *a British nursery for seamen for the service of foreigners*. Captain Sir J. Stirling, R.N., says,—

“There is scarcely any institution more popular than that which relates to sea apprentices; but the result of my own observation is, that it does not produce a beneficial effect. The owners and masters of ships complain of it as imposing a very great hardship upon them, in compelling them to take servants who are not profitable. Whether trade be prosperous or not, whether there be a demand more or less for seamen for the purposes of trade, there is a continual stream of boys flowing into the merchant service, which in many instances acts as a very serious hardship upon the older seamen. It throws them out of employment at times when trade is not very brisk, and leaves them no alternative but to seek employment in foreign service. The law requires that about a sixth part of the whole number of seafaring persons shall at all times be apprentices, but if too many seamen are made by this process, the hardship falls upon the old sailor, who is thrown out of employment, or is prevented from getting full employment. It appears to be an arbitrary interference with the labour market; is at all times a hardship upon the shipowner, and at certain times a hardship upon the seaman.”—(4587.)

Injury to mer-  
chant seamen.

Then Mr. Duncan Dunbar tells us that—

“The being compelled to take apprentices, entails very considerable expense and very considerable inconvenience. When ships are at home here, lying idle for six months, and employment cannot be

Injury to ship  
owner.

got for them, the owners must maintain the apprentices the whole time the ships are here, and on sending them away, has to send two or three boys, who are perfectly useless at the moment, and who will not be useful for twelve months to come.”—(5010.)

5047. So far the matter concerns only Mr. Dunbar, who, no doubt, speaking as the mouth-piece of his brother shipowners, says that “*they are willing to bear the burden in return for the*

5048. *other privileges that they get.*” The chief of which is, that “they go to Canton and Calcutta, and English ships have the exclusive carriage back again to English ports.” So that the whole matter comes to this: the apprenticeship system is a tax upon the shipowner, with which he is willing to have the name of being burdened, but which, in reality, he foists upon the public. He takes to himself the credit of special patriotism, because he carries in his ship some three or four unprofitable boys; whereas, these are a most profitable cargo, inasmuch as they keep all competition off, and enable the patriotic, devoted shipowner to tax the public by such freights as show a handsome profit, made out of the unprofitable apprentices. Of course, in this view of the case, the statements of the shipowners, that they do actually realise something out of the monopoly, is taken for granted; but what do the consumers of the goods so highly freighted gain by it? What return have they for the privilege of being so ingeniously specially burdened?

Injury to the public.

Injury to merchant and underwriter.

But a more serious aspect of this apprenticeship system, and one which we recommend particularly to the notice of merchants and underwriters, is, that the ships are the worse manned for it.

Mr. Dunbar says:—

5045. “If not obliged to send boys, I should send a ship with twenty able-bodied men; I now send her with fourteen able-bodied men, and six ordinary men, and six apprentices. The ships would be better manned if they were not compelled to send boys, and there would in that case be more security for the lives of the people on board.”

5042, 5043.

The six ordinary men costing less than six able-bodied, are, therefore, taken that the saving on them may help to cover

the cost of the six half-useless apprentices ; so the ship has hard work to live through such gales and seas, as she is every now and then beset with, sometimes she does not live through them, but goes down, there not having yet been discovered any Act of Parliament that can take the place of able seamen in a gale of wind.

Danger to the ship.

By desertion from the ship in which he has agreed to serve, the seaman forfeits his clothes, effects, wages, emoluments, and register ticket.

Penalty for desertion.  
Sec. ix.

*"Provided always, and be it enacted, That nothing in this Act or in any Agreement contained shall prevent any Seaman or Person belonging to any Ship or Vessel whatever from entering or being received into the Naval Service of Her Majesty, nor shall any such Entry be deemed a Desertion from the Ship or Vessel, nor shall such Seaman or other Person thereby incur any Penalty or Forfeiture whatever, either of Wages, Clothes, or Effects, or other Matter or Thing ; and no Master or Owner shall insert or introduce, or permit to be inserted or introduced, into any Articles or Agreement, any Clause, Engagement, or Stipulation, whereby any Seaman or other Person shall or may incur any Forfeiture, or be exposed to Loss in case he shall enter into Her Majesty's Naval Service ; and if inserted, the Clause, Engagement, or Stipulation shall be void, and the Offender shall thereby incur a Penalty of Twenty Pounds."*

Sec. l.  
Exception in favour of Queen's ship.

It seems, therefore, that though the Act gives a fixed form of agreement, and the seaman signs it, and it is witnessed in all due form, it goes for nothing, if the whim take him to enter on board a Queen's ship. He may do so at any time and at any place, no matter how great the inconvenience, risk or loss, to those with whom he has previously agreed to serve. This is not merely an imaginary hardship. Mr. Dunbar was asked,

"Do seamen volunteer from your ships to the Royal Navy ?—In several instances : we have had instances abroad where we have been very much distressed by their doing so. Last year I had a ship called the *Earl Grey*, lying in Algoa Bay ; six of the crew were in the hospital sick, out of twenty-four, and four of the best men volunteered into Her Majesty's ship that was lying there, and my ship was rendered unseaworthy in consequence.—(4999.)

Operation of exception.

"I had another ship, called the *Blenheim*, of Jamaica ; though she was in Her Majesty's service, under pennant, ten of the men volunteered into a man-of-war.—(5003.)

"They choose the six out of those ten who were good for anything, and sent us back four who were useless."—(5004.)

But this 50th clause does greater mischief than that of leaving a few ships in jeopardy by getting hold of their best men. Sir James Stirling says,—

4589. "The consequences of that clause appear to be, that from the first day of the engagement, there is a ground of quarrel established between the master and his servant; the servant threatening upon occasion, that if he has not all the indulgence he desires, he will take an opportunity of leaving the ship at an inconvenient time, and enter on board a ship of war. I believe, from my own experience, that particular clause to be exceedingly injurious to the merchant service; it establishes the habit of thinking very lightly of the engagement into which the seaman has entered. Also, I have been given to understand that seamen complain of the registry ticket system as a very great hardship. Seamen are not always temperate or prudent, and if they leave their ship at an improper time, the forfeiture of their ticket is the consequence, and with the forfeiture of their ticket, of course their exclusion from further employment in British ships. It tends therefore to lead them to seek employment in foreign vessels."

On the same subject, Mr. Dunbar says,—

5039, 5040. "The sailors go abroad and run away from their ships, and having left the ships, under the system of register tickets, they find that when they come here they cannot get employment again. A sailor is an eccentric being, and he says, if I am to be bothered when I come home in getting a ticket, I will stop in the American service. The principal cause of which that has come under my knowledge is this, they leave the ship, they get drunk, and run away and forfeit their ticket, and then they remain, because they know the trouble they will have in getting a new register ticket in England."

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THE EFFECTS OF "ALL DUE ENCOURAGEMENT AND  
PROTECTION."

From all this legislation as to seamen, we have the usual results. Those assumed to be protected and advanced, are the worse for the system, just in proportion as it comes into active operation. Mr. Young being asked,

5822. "Is it your opinion that, taking the seamen belonging to the mer-

cantile marine as a body, they are as respectable in conduct and character as the sailors belonging to other nations, or are they worse than others," replied, "I must say that in conduct I do not think they are equal to those of other nations; as far as my observation has gone, they are not so temperate in their general habits, and I think that they are more insubordinate."—(5322.)

Habits of  
English sailors.

"One of the causes of the abandonment of the whale-fishery was the demoralization of the seamen."—(5385.)

Sir James Stirling says,—

"Judging from my own experience in English ships, I have reason to believe that the condition of seamen in merchant ships, and consequently their conduct, are very far from satisfactory. On two occasions on which I was on board of merchant ships, insubordination was carried to the verge of violence and mutiny. A very striking instance of that was brought before the public notice about eighteen months ago, in the case of the ship '*Tory*,' which, although an extreme case, is illustrative of the state of warfare and antagonism that exists, I believe, very generally between the masters and their crews, where the owners are not particularly cautious in the selection of the men. That case is, I believe, too well known to require my explaining the circumstances of it more particularly. I admit that it was an extreme case, the relationship in which, too frequently, the crews of ships and their masters stand. I think, therefore, that the present maritime system of this country is not favourable to the condition of seamen."—(4591.)

Unsatisfactory  
condition of mer-  
chant seamen.

Evidence was also given before the Committee on British Shipping, in 1844, by the late Mr. Soames, as to the total want of discipline in the merchant service; so unsatisfactory was the state of the seamen, that a captain of his, lately returned in one of his ships from Bombay, declared, "that he would never go to sea again, for there was no keeping the seamen in order;" and Mr. Soames added, "it is not only in that ship, but in every ship that arrives, that complaint is made."—(Com. 1844. 3512.)

Complaints of  
captains.

If we are to judge from the evidence before us, it would appear that the evil influence of self-styled protection is not confined to the men before the mast.

Mr. Robert Victor Swaine, an Englishman, resident, as a merchant, at Hamburgh, gave evidence as follows:—

"Is the British mercantile marine considered superior by foreigners to the marine of other countries, speaking from your

Opinion abroad  
of British mer-  
cantile marine.

experience as a merchant abroad?—No, I am very sorry to say that it is not; very much the contrary.—(3147.)

“In what respects are other vessels considered superior to the British?—In the mode in which they are commanded, that is the general impression in Hamburg; I am alluding now to smaller vessels of from 150 to 350, or at the outside 400 tons; we do not get larger British vessels at Hamburg.—(3148.)

“You do not mean that our vessels have deteriorated, but we have not improved in the last twenty years in the same proportion as foreign vessels have?—That is certainly the case.—(3149.)

“Is the preference generally given in Hamburg to foreign over British ships?—So far as I have been able to make the observation, for some years the preference has always been given to the vessels of the northern states of Europe; I know nothing of the ships of the Mediterranean.—(3150.)

At Hamburg  
preference given  
to foreign ships.

“Have you any particular case which you can mention of Hamburg vessels being preferred in the voyage between Liverpool and St. Thomas?—I am perfectly aware that every Englishman residing at Hamburg gives the preference to foreign vessels on long voyages; and I know also that from the island of St. Thomas, orders by British merchants residing there are transmitted to England for British manufactured goods, and their correspondents are instructed to give the preference to the Hamburg vessels that go to Liverpool to load for St. Thomas.—(3151.)

Hamburg  
underwriters  
prefer foreign  
ships.

“Do the Hamburg underwriters make any difference in the rate of insurance between cargoes shipped in foreign and in British vessels?—The Hamburg underwriters prefer foreign vessels very decidedly; they do not make an absolute difference in all cases, but they do make a considerable difference in some cases. In the voyage from St. Domingo they make a very material difference. In the month of March last, the cargo of a British first-class vessel sailing from St. Domingo to the Elbe or Weser could not have been insured at Hamburg under 2 per cent., whilst the cargo of a first-class Hamburg or Hanseatic vessel, or of a first-class Danish, Swedish, or Prussian vessel, could have been insured at  $1\frac{1}{4}$  per cent.”—(3152.)

3166, 3167.

At Hamburg  
preference given  
to foreign  
captains.

The same experienced witness states, that he should certainly prefer giving the command of a ship of his to a Hanseatic captain; that there are several English merchants residing in Hamburg who own ships; but no instance occurs, in which such vessel is commanded by an English shipmaster.

3169—3171.

3240, 3241.

3298.

3241.

The character and conduct of British captains is not so good as the character and conduct of foreign captains. “The damaged condition in which they deliver their cargoes compels



people to draw unfavourable inferences as to the conduct of those commanders whilst at sea."

There is a want of efficiency in the details of the management of the ship by the ship's husband, and also in the employment, in many cases, of captains who are not so well able to navigate their vessels as the foreign captains. 3284, 3285.

"English captains and mates are not subject to an examination, and the general impression abroad certainly is, that they do not possess that nautical skill which the commanders and mates of foreign vessels possess who have been subjected to examination; besides which, the captains and mates on board the Hanseatic and German vessels are generally a much more sober class of persons, and the owners provide them with better cabins, and give them every kind of inducement to remain on board whilst the vessel is in port, thereby securing the proper performance of their duty, whilst the vessels are loading or discharging.—(3236.) Foreign captains better accommodated than British.

"There is a general inferiority in all British vessels, under 350 tons, trading with Hamburgh, even those with Brazils and the West Indies, in point of cleanliness and accommodation, to foreign vessels of a similar tonnage.—(3331.)

"The German captains are generally upon better terms with their crews; they have them in a better state of subordination than British captains. The same crews sail with the same captains very frequently; they are not turned off the moment they arrive in port; they become attached to each other; the captain and officers are generally very sober men. They are better educated than English captains and officers are; and they attend more to the business of the ship than the English." German captains have more authority over their crews.

The captains of British merchantmen are overbearing and intolerant to their crew; and the British Consul in Hamburgh has much more frequent disturbances, and certainly more serious ones to settle between the crews and the captains of British vessels, than those of any foreign vessels of the north of Europe. 3254, 3255.

The whole of the preceding evidence is corroborated by that of Dr. Colquhoun, for some time diplomatic agent of the Hans Towns in Constantinople, in a paper handed into the Committee, he states that

"The crew acknowledge no superiority of education in their captain, and therefore do not respect him, and his usual manners and behaviour tend to destroy what little may remain. British merchant captains not respected by their crew.

chant ships, from this cause, are often in a state that would be called mutiny in those of other nations. If the mate be not a good man, the cargo is often carelessly stowed, and loss accrues thereby to the underwriters and merchant."

4721. Captain G. Briggs, master of an American vessel of 640 tons, who for twenty-four years has been engaged in trading to all parts of the world, and who has commanded ships for fourteen years, gives evidence, that American ships make
4821. quicker passages, and deliver their cargoes in better condition, than English; that there is no drunkenness on board American ships, not one vessel in a hundred carries out any spirit,
- 4831, 4832. unless in the medicine chest. One consequence of which is, the promotion of better discipline on board; and many men rise to be officers, who would else have remained before the mast all their lives. Some men serve under the same captain for many years. He has men who have served with him for several years. They give Swedes the preference over English, because of the lax discipline of English sailors.

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#### CAUSES OF INFERIORITY.

The evidence before us is conclusive that, for whatever else the Navigation Laws may claim credit, they certainly have failed in making our seamen, or mates, or captains, or the navigation of our ships, superior to those of other countries. We have it stated, that the masters, mates, and men of the *Hamburgh Commercial Marine*, are practically more efficient than our own.

- R. V. Swaine. "Their Navigation Law is simply that any country can send goods to *Hamburgh* from any other country in any vessel whatever.—(3193.)
- "A ship of any part of the world may come into *Hamburgh* with any produce—There is no restriction whatever."—(3194.)
3200. They complain of our Navigation Laws as restricting them, but have never considered it desirable to exclude the competition of foreign ships in order to promote the increase of their own shipping. Nevertheless, their shipowners prosper, and
- 3299.

the tonnage and number of their vessels increase. There is no incurable inferiority in any class of our seamen, nothing whatever to prevent their reaching the highest excellence; some of them have already reached it. Mr. Goschen, a merchant in a London foreign firm, says:—

"You have in England captains who are equal to any captains in the world, and you have vessels which are equal to any other vessels, but then such captains and vessels are engaged in particular trades; they are engaged by large wealthy houses, and they remain in those trades."—(1703.)

Captain Sir James Stirling says:—

"I find that in American ships British seamen are employed in great numbers, and I find very few seamen of other countries employed in American ships in competition with them; I believe that our own seamen are capable of carrying away employment from any foreign seamen whatever. I do not find that in American ships, where the British seamen meet foreigners on equal terms, the foreign seamen are preferred, or that they prevent the British seamen from obtaining the highest rate of wages."—(4663.)

And Captain Briggs, the master of an American ship, whom we have already quoted, and whose clear, manly evidence, the result of long experience, was of great value to the Committee, stated, "That of the English captains who have entered the American service, some are the best American captains. They make voyages as quick, and sometimes quicker, than any Americans. In some cases, the crew is also English; but they make quicker voyages than they do under English regulations."

Some of the smartest captains in American service are Englishmen.

"The reason is, that American shipmasters are better paid than the British shipmasters. Captains paid by the month, as English captains are, have not the same inducement to make a quick voyage as those have who have a certain per centage upon the voyage; Americans are paid five or seven and a half per cent. upon the gross amount of the freight."—(4797.)

American captains better paid.

"So that it is their direct interest to make as quick a voyage as possible, in order that the ship may obtain as many freights as possible, and to see that the cargo is properly stowed, because if there is any detraction from the freight it takes from their commission. They take care that the cargo comes out all dry; but a man who is paid by the month has no inducement to do that."—(4799.)

"A man who is out in bad weather, if paid by the month, will be more likely to make for the first port he can, because his pay continues to run on notwithstanding the delay in the voyage.—(4900.)

"But American pay depends upon the quickness of the voyage.—(4801.)

British sailors  
have risen to  
command  
American ships.

"If you put a British shipmaster on board an American ship, and let him have the same pay, and let him remain a year or two in the American merchant service, he makes his voyage as quickly as they do; it is not that Americans are superior seamen, but that they have an inducement to make a quick voyage. There are many instances of British sailors going into the American service who are now commanders of American ships, and are amongst the most enterprising men that they have, and make the best passages that are made out of Liverpool; the witness could mention the name of some who have made the best passages."—(5845.)

It seems, then, that under our system of sailing, the energies of our seafaring men are not brought out. American ships make more voyages, and, therefore, earn more freight than ours.

No economy in  
underpaying  
captains.

There is no reason to believe that English captains are indifferent to the interests of their employers; the simple fact is, they are in a more dependent position. They do not keep vessels under short sail, nor put into port when others sail on, for the purpose of receiving more pay; but they act with less spirit than if they had a share in the risk and the profit. Under the American system of payment, by per centage, the captain runs no risk of being taunted with recklessness, and disregard as to the safety of the ship and condition of the cargo, in both he has a like interest with his employers. But he has also an interest in lading, clearing, and sailing the ship with all possible skill and speed. The result is not foolhardiness, but practised observation, superior seamanship, and that courage, quick decision, and ready presence of mind, which are developed by the difficulties, dangers, responsibility, and profit of such a position as that of the captain of a merchantman, who feels the cargo and the ship to some extent his own. It is clear, also, that such well-paid captains are the cheapest. The Englishman in command of an American merchant ship, earns more for the owners than the same man

inferiorly paid as master of an English trader ; " with the same actual tonnage, they bring more tons of goods in the course of the year." 4846.

" The men who go into the sea-service in America, are taken from the middle and better class of society, because they have greater inducement to enter into it ; the pay is so much greater, that it is a motive for them to follow the sea as a profession."—(4913.) Capt. G. Briggs.

And " like master like man, the mates and men are more frequently taken from a better order of society than those in this country ; " \* they also are better paid. 4914. 4828.

Our sailors, however, may be trained to be as sober and well disciplined as those of America. In a crew composed of English and American, there is little or no difference to be seen. But there is a very great difference between the intemperate and the temperate. The health of the latter is generally better, and they are more orderly. Here again, as in the case of the captain, the best paid seaman is the cheapest, he belongs to a more educated order, looks forward to advancement in his profession, is steadier, safer, more under command, and at all times more useful. Our captains may be as well taught in their profession, as those of the North of Europe, they may learn to see the cargo stowed as well, to sail as quickly, and deliver the goods in as excellent order as those of the Hans Towns, or the United States ; but such improvement will be the result of competition, not of a lingering continuance of any remnant of the protective system. 4830. 4988. 4984. 4986. The best paid seaman the cheapest.

The Hamburg shipowner sailing under free competition,

\* 4914. Do you think, coming to England, as you do from time to time, and having the opportunity of comparing the men in the respective services, that your captains, mates, and men are more frequently taken from a better order of society than those in this country ?—I will answer as regards every English port except London. I think London is the exception. I think the London captains, on the average, are quite equal to any that we have in the United States. But your London captains are quite superior to those in any other port in England ; we notice that in every part of the world.—*Captain G. Briggs.*

8326.

spares no pains to obtain a captain of a high class, and of superior knowledge and efficiency ; upon the skill and management of the captain he depends in a considerable degree for profit and success ; he therefore pays the captain liberally, and takes care that he is well taught.

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FOREIGN CAPTAINS AND MATES.

"The captains of foreign vessels are generally men of better education than the captains of British vessels ; they are obliged to submit to a very severe examination in the schools of Navigation abroad, before they can become mates, (Rt. Swaine, 3160.) At Hamburgh, the examination is conducted by the head of the Navigation School, and two efficient experienced captains."\*

The examination includes the Mate's duties in general, especially as regards the loading and the discharge of the cargo, and all that pertains thereto, including the regulations to be observed in stowing and in the keeping of the log, &c. &c.

Protocol on  
books of Navigation  
School at  
Hamburgh.

The Mate has a certificate of the examination, stating the subjects of question and the proficiency with which he has acquitted himself, as follows :—

TRANSLATION OF MATE'S CERTIFICATE AT HAMBURGH.

We the undersigned, appointed Examiners by the Honourable Navigation and Harbour Commission, under authority of the High and Venerable Senate, to ascertain the capability of those persons who desire to act as mates on board Hamburgh vessels,—

Certify herewith that the possessor of this document

born at \_\_\_\_\_, \_\_\_\_\_ years old, who has served at sea \_\_\_\_\_ years, has been examined by us on the several points hereafter named, and that after an ample examination and a subsequent deliberation on our parts, we have unanimously agreed that he has acquitted himself :

1. In manœuvring a vessel, and in his knowledge of the general duties of a mate. (Here follows the judgment, viz., perfect or imperfect.) \_\_\_\_\_

\* The present head of the Hamburgh Navigation School, is a man of known scientific acquirements, named Bunker ; he was formerly in the English service, on board a 74, as school-master. He has written his views on the subject of the education of seamen, for which see Appendix.

2. In knowledge of the Elbe and of its mouth. \_\_\_\_\_
3. In nautical geography. \_\_\_\_\_
4. In arithmetic. \_\_\_\_\_
5. In geometry. \_\_\_\_\_
6. In trigonometry. \_\_\_\_\_
7. In the elements of geography and astronomy. \_\_\_\_\_
8. In the knowledge of the implements required by a mate, as also of the uses thereof. \_\_\_\_\_
9. In the knowledge of sailing by plane charts. \_\_\_\_\_
10. In the knowledge of sailing by spherical charts. \_\_\_\_\_
11. In acquaintance with implements of nautical astronomy, and with the mode of regulating them. \_\_\_\_\_
12. In the knowledge of taking latitudes by astronomical observation. \_\_\_\_\_
13. In the knowledge of taking the azimuth of the sun, the true time and longitude by astronomical measurement. \_\_\_\_\_
14. In the knowledge of the mode of checking the ship's dead reckoning by astronomical calculation. \_\_\_\_\_

Wherefore we have found him properly and sufficiently experienced to act as mate and navigator of the \_\_\_\_\_ class.

In witness whereof we have given to the said \_\_\_\_\_ the present certificate, with the wish that it may prove the means of recommending and advancing him in his vocation as seaman.

Done at Hamburg, the \_\_\_\_\_

\_\_\_\_\_  
Senior of the Ship Guild.

\_\_\_\_\_  
Inspector.

\_\_\_\_\_  
Teacher of the School of Navigation, and Examiner.  
as Examiners.

This is no mere idle form ; without such certificate it is impossible to become captain of a 'Hanseatic trader.

As to Sweden, Mr. William Tottie, the Swedish Consul at London, and also a merchant, says,

"The Swedish captains are paid very liberally, in order to encourage respectable men to go into the trade.—(1958.)

Swedish captains.

"No person can become a Swedish captain who had not passed a rigorous examination.—(1959.)

"There are two classes of captains ; the first class, who can navigate to any part of the world ; and the second class, who may navigate to short distances in the coasting trade, and in the Baltic, and to Denmark. To pass the first examination, the captain has to be examined in foreign languages ; he must speak with some degree of

skill two foreign languages ; he must be able to calculate the rate of exchanges ; be examined if he can write a good merchant's letter ; whether he understands ship-building and tackling of vessels, in addition to astronomy and navigation ; all that is actually required in every case.—(1960.)

"A vessel cannot clear out unless there is such a captain on board, and it is the duty of all Consuls abroad to see that that rule is enforced.—(1961.)

Swedish sailors.

"The training of the Swedish sailors would seem also to be matters of marked care to their employers ; they are most of them carpenters, sail-makers, as well as seamen, and in the American or other foreign service, are well paid.—(4875-4887.)

"Swedish sailors are not generally discharged from their ship when the ship comes into port. It is very much the case with Swedish vessels that the same crew will be found voyage after voyage in the same vessel. The muster-roll of every Swedish vessel must be delivered at the Consul's office, who sees the same names every time, with very few exceptions. When a vessel is laid up in port, the captain or the owner will take care of the sailors.—(1938.)

Norwegian captains.

"The captains in Norway have to pass through a very severe examination. No person can get his patent as a mate of a vessel until he has served either as a sailor for seven years, or if he entered the service as a volunteer, or in a superior class, he can then not become a mate until he is twenty-two years of age, and still he must have served seven years ; he has then to pass an examination and get his patent as a mate, and after that he must make two voyages abroad and back to Norway before he can command a vessel ; so that no person can navigate a Norwegian vessel who has not been at sea upwards of seven years as a sailor, and he has to pass an examination in nautical science, which is very strict, before boards in different towns, comprising retired merchant captains, merchants, or burghers of the town, and naval officers.—(2129, 2130.)

"The boards are appointed by the different towns, approved by the Government.—(2131.)

"Without such examination, no person can navigate a Swedish or Norwegian ship."—(2132.)

Mr. Edward Berger, a London merchant, native of Prussia, states that,

Prussian captains.

"The captains and mates of the ships of several European countries are a remarkably steady, sober, respectable set of men ; the same may be said of the Hamburg vessels and Prussian vessels, arising in a great measure from their having to undergo a regular and systematic course of education, and they have more character at stake than many of the captains of our English north country vessels, who learn what they know of navigation by rote.—(1640.)



"All Swede, Prussian, Baltic, Sardinian, and Austrian captains and mates must pass an examination before a board of examiners. Sardinian captains.—(1641.)

"By the laws of those countries, no captain can command a merchant ship unless he has passed through that course of examination. —(1642.)

"It includes the higher branches of science; they have to undergo a most rigid examination.—(1643.)

"You will find many Swedish captains know three or four languages."—(1644.)

Lastly, in one of our own possessions, half without the pale of the Navigation Laws, a similar system of ensuring the qualification of Captains prevails, in the paper handed in by Dr. Colquhoun, it is stated that,—

"In Malta there are three classes of captains, whose examination varies, and entitles them to certain privileges. Maltese captains.

"The third class, for instance, is confined to small craft in the immediate neighbourhood of Malta.

"The second class to within the Pillars of Hercules.

"The first is free of the world.

"I have travelled in Maltese sailing vessels, and found the captains well-educated, intelligent men, superior to any of the same class here, and possessing many of the points of a liberal education."

The shipowners are charged, with whatever of inferiority is attributed by the witnesses to the officers and crew of British merchant vessels. Mr. Swaine states,—

"That the owners do not hold out sufficient inducement to persons of respectability to become captains, and that they have not the same order of men as they have on board the foreign ships."—(3297.) English captains are badly treated by the owners.

"The captains are not at all well used in English vessels; they are put down in cabins which are frequently very small, dark and filthy places, full of stench; and it is not all likely that the captain in a foreign port, will remain on board such a vessel attending to the duty of the ship; he therefore goes on shore, and lives at a pot-house, and contracts those habits which are so very injurious to himself and his employer.—(3286.)

"If the captain is addicted to drinking he will be brutal towards his sailors, and he will not get the best class of sailors; they will be driven to America, or any other port where they will get better treatment and better pay. (3289.) Bad captains cannot ship good sailors.

"You have stated that you have made a great many voyages from

Hamburgh to London and back, and that you have thereby had an opportunity of conversing with a great number of English captains ; in general have you found the English captain to be satisfied with his condition ?—Certainly not.—(3294.)

“ As regards neither treatment nor pay ?—I do not think I ever met with an English captain who was attached to his profession : if he had been a respectable man he felt degraded by his association with those persons into whose society he was thrown, and the want of comfort which generally exists in the vessels altogether, appears to have had the effect of preventing those individuals from enjoying life at all. I exclude the commanders of steamboats.—(3295.)

3290. “ Will you give your opinion as to the satisfaction of foreign captains with their condition, or the reverse ?—I always found them very well satisfied, as far as I have been able to ascertain it, and attached to their profession, and very desirous at all times to fulfil their duty to the utmost, to their employers.”—(3296.)

Those who repair English and foreign vessels, in Hamburgh, confirm the statement of Mr. Swaine as to the inferior accommodation given to the British sailor, and also that the provisioning on board British ships is not equal to the provisioning on board ships in the north of Europe. In addition to this, taking perquisites into account, the English captain is not so well paid as other European and American captains.

No respectable people send their children to sea in English merchant ships.

The assertion of Mr. Richmond is therefore not surprising that—

“ Very nearly sixty years ago, he went to sea, very young in life ; it was customary for respectable and wealthy people to send their children to sea in those days, no matter whether they were ship-owners, or merchants, or agriculturists, or manufacturers ; if they had a family they always sent one, if not more, to sea, because it was generally reckoned a line in which they had a fair chance of prospering ; but what is the result now ? No respectable people send their children to sea, because they see, that by so doing, they bring them up to a profession which, *in all probability, will bring them into beggary* ; now it was out of this class that the principal portion of the ship commanders were taken : I was at sea for some years, commanding my own ship, and I remember Mr. Chapman and his brother commanding magnificent ships belonging to their father and to themselves ; and the whole trade was carried on and commanded by such men as those ; I am sorry to say it is not so now, for wealthy and respectable people will not send their children into the merchant navy at this day.”

Dr. Colquhoun tells us that—

"The Hanseatic merchants often send their sons on voyages in their own ships as super-cargoes, and even as cabin apprentices under the captain's care, that they may become practically acquainted with a seafaring life, and be more efficient in the counting-house hereafter."

The German merchants often send their sons to sea.

This contrast scarce needs a comment. The British merchant will not send his son to sea to enjoy the benefits of a Navigation Law. The burgher of the Hans towns thinks the free-merchant navy of his country a good school in which to educate his child. He knows that a good captain is of more importance to a ship than a good overseer to a factory, or a good warehouseman to a warehouse, for the simple reason, that the owner can at all times keep them right; but in the constant absence of his employer, everything is entrusted to the master of the merchant ship; and yet, hitherto, the employer has thought far more of Parliament than of him, and is likely enough to continue to do so, until he is thrown into perfectly open competition with all foreigners, on which point we claim attention to the following evidence of Mr. Swaine:—

"(Admiral Dundas.) If the Navigation Laws were done away with, would you prefer employing an English vessel to a Bremen vessel?—If the Navigation Laws were done away with, I think that the English shipmaster would be subjected to the same kind of examination as the foreign shipmaster, and that the English shipowner would be compelled to improve the position of his officers and crew altogether; and if English shipmasters were subjected to an examination, and became as efficient as the officers of a similar class abroad, no doubt, as a British subject, I should give them the preference.—(3192.)

Competition would force the English shipowner to improve the position of his officers and men.

"You think that if the Navigation Laws were repealed, improvements would be introduced?—Yes, I think that there would be a general amelioration of the condition of master mariners; their condition has been very much neglected.—(3209.)

"You are of opinion, then, that if the English shipowner went to more expense in providing accommodation for the captain, and thereby obtaining a superior class of captains than the foreign, he would be better able to compete with the foreigner than he is at this moment?—I have not the slightest doubt of it. I have no doubt

that British vessels are lying idle in foreign ports where foreign vessels are getting employed.—(3292.)

“The monopoly which has been granted to British shipowners in various ways has tended very much to indispose them to improve in proportion to the foreigners, and the disadvantages under which foreigners thereby laboured, have rendered it necessary for them to improve the character of their marine, in order to counterbalance those disadvantages.”—(3153.)

THE CARE THAT OUR NAVIGATION CODE TAKES OF  
FOREIGNERS.

8th & 9th Vict.  
Section xvi.

Legislation for  
foreigners.

G. F. Young.  
5985, 5986.

These laws are not content with nursing our own ships and seamen, foreigners are also most curiously taken under their protecting wings. The sixteenth section of the Navigation Act, declares, that no ship shall be admitted to belong to any particular foreign country, unless she be of her build and ownership, or of English build, and be navigated by a native captain, and a crew, three-fourths of whom are natives. This, as a matter of course, must benefit foreign countries, just as much as the same rule benefits England. If the fifth section of the Ship Registry Act, and the thirteenth of the Navigation Act, increase our shipping and nurse men for our navy, this sixteenth section increases the shipping of whatever foreigners trade with us, and nurses men for their respective navies. We have no manner of objection to foreigners being placed on the most perfect footing of equality with us, but it does seem rather a bungling mode of getting at that result, to have a law professing to give ourselves a special advantage against foreigners, and then another law compelling foreigners to adopt the same advantage. To us it seems, as if it might have answered just as well to have let both alone; but then possibly it would have been too simple. So far the case before us is, that the masters have been neglected, the mates neglected, the men neglected, stowage of cargoes neglected, good delivery of them, discipline, instruction, in short every thing has been neglected, except prayers to Parliament, prophecies of coming ruin, and the

trumpeting forth of the commercial marine as the nursery of seamen for the Royal Navy. Let us examine, therefore,

#### HOW STANDS THE GREAT NURSERY QUESTION.

The shipowners deal very gingerly with this question ; they are quite aware that it is the solitary peg upon which hangs the whole complicated and entangled web of argument which they have so confusedly and ingeniously enwoven, and which we have been at pains to unravel and expose.

Inside the curtain they fight for the Navigation Laws, as giving them a monopoly, and as they think high freights, and saving them the trouble of keeping pace with the progress of those who under freedom would be their competitors. Mr. Young, before the committee in 1844, admitted, " That the natural consequence of admitting imports in the ships of foreign nations would no doubt be, that the consumers could purchase at a cheaper rate," which simply means, that were all trade open to all ships, goods would be carried at less cost.

Real object of  
the Navigation  
Laws.

1096.

But outside the curtain are emblazoned the Royal Arms, the legend that " defence is of more importance than opulence ;" and that those great national acts, the Navigation Laws, provide the defence of the kingdom and the sea, by effectually manning the Royal Navy.

Pretended ob-  
ject of the Navi-  
gation Laws.  
6121, 6122.  
5217.

The Act, as we have already shown, sets forth, that "*it is therefore expedient to promote the increase of the number of seamen ; and to afford them all due encouragement and protection.*"

It would not be easy to find more fair and gentle words, or a more tyrannic purpose than lurks under them. They are very much after the fashion of the decoy whistle of a bird-catcher, when he has spread bird-lime on the twigs. The sailor, reading the preamble, might be beguiled into the notion, that he would have more room below, a snugger berth to sling his hammock in, better provisions, better pay, perhaps more tobacco ; in short, that life before the mast would be an easy, happy, glorious time, and that the merchant seaman

The preamble  
as it is.

4958.

when worn out, or old, would, after the American fashion, have some snug harbour to nestle in for the remainder of his days. But the Act for giving due encouragement and protection to the sailor, is a delusion and a snare. His registration ticket is as the iron collar of the serf of the olden time, a badge of bondage.\*

The preamble  
as it ought to be.

The preamble to the Act really should set forth, that the Royal Navy, not training within itself sufficient men for a time of war, and not choosing to pay such wages as the demand for seamen may enable them to earn at the time, inasmuch as "it would then become a question which should outbid the other, as regards wages" (5083), the Queen's ship, or the merchant ship, deems it expedient to know at all times where every sailor may be found, whether on shore or at sea. Therefore be it enacted, &c. The marines are armed, the merchant seamen dragged from their hiding places, and when they are got safely under hatches, the object, aim, and end of the Navigation Laws are accomplished.

5047.

The real sum and substance is, make men ready for impressment. The shipowner agrees. He himself is not to be impressed; foreigners are kept out of his track; sailing on a bungling system, he gets high freights, makes the public pay for his apprentices, and boasts of his patriotism. But for the able seaman, there is no protection. The apprentices forced into competition with him—somewhere about ten thousand of them every year—beat his wages down, and with all his toilsomely acquired skill, his hardly won and only property, the press-gang beat him down, and carry him off as a slave, to work and fight against his will.

5032—5034.

We leave it to others to point the moral distinction between

\* About the middle of King William's reign, a scheme was set on foot for a register of seamen, to the number of thirty thousand, for a constant and regular supply of the King's fleet, with great privileges to the registered men, and, on the other hand, heavy penalties in case of their non-appearance when called for; but this registry being judged to be rather a badge of slavery, was abolished by statute 9, Ann c. 21.—*Parker on Shipping and Insurance*.

such Act and the letting loose of armed marines, to stop and rob all people on the highway, and to plunder their houses and lands for the support of the Royal Navy. Of all property, the most sacred, assuredly should be the skill of the workman.

Now even if it should be true, (which it is not), that there be more merchant ships, through the agency of the Navigation Laws, will this circumstance give more disposable seamen to man the Queen's Navy? It *would* seem to be a common sense view of the question, that the greater the number of merchant ships, the greater the number of seamen required; and the greater the demand, the greater the difficulty in finding the supply of seamen for all purposes. The Queen's Navy is in competition with the mercantile marine, and an increase in the requirements of one—operates to augment the competition, and create a scarcity for the others. In war-time, the number of sailors required by the mercantile marine, increases with the demand of the Royal Navy. How then does the merchant service help to man the fleet?

Does the merchant service man the Royal Navy?

The demand for seamen for both services increases simultaneously.

The seamen may be taken from the traders by force, but if so, there are enough and to spare, without the help of artificial laws; but if the Admiralty are to deal fairly by the merchants and shipowners, they will take only the surplus of the merchant seamen, and what surplus will there be, when the absorbing cause acts upon both services alike, and the merchant service is the larger of the two? Honestly and fairly (putting kidnapping in its various forms aside), it is only to the surplus that the law can look to obtain a supply of seamen for battle ships; and it is certain that no ingenuity or logic can show how to increase a surplus by augmenting a demand, and the dependence on a surplus is a vanity and a delusion, for it is not until there is no surplus that the demand exceeds the legitimate supply. If by undue means, we could succeed in creating a larger number of seamen than are required for the actual wants of the commercial navy, we create a supply, for which there is an inadequate demand at home, and which therefore must and does seek an outlet abroad.

When there is a greater supply of sailors than are required, they go into foreign service.

Our excess of sailors will not wait unemployed till we want them ; and when we do require them, we may possibly find them in the ranks of our enemies.

Tyranny of impressment system.

The Government might just as well protect corn and cattle, in order to be able to victual their army and navy in time of war ; but if there were an extraordinary demand to feed soldiers and sailors, there would be an equal demand for food for the community, and unless it were taken by force, there would be no natural and legitimate advantage to the Government service over the public generally. To take it by force would be a robbery, but no greater robbery than to impress a sailor.

An able seaman is a skilled workman, he takes his labour into the market and sells it to the highest bidder ; and if the law force him to take less wages of one master than he can obtain from another, it is robbing him of his property and perpetrating an unjustifiable tyranny. The Government have no right to fix a price for his skill, unless it has given him that skill. It is his capital not theirs ; it is a felonious violence if they take it from him without his consent, as much as if a manufacturer were compelled to sell calico at the price of raw cotton. Therefore the avowed object of encouraging the merchant sailors is to despoil them when it suits Admiralty purposes.

If we want a reserve of seamen for our defensive (or aggressive) navy, we must make them, we must educate them, we must manufacture them. It is better and wiser, and more honest, and more economical.

We have already proved that two to one of our seamen are engaged in the unprotected foreign trade. Mr. Dunbar informs us, that if we might buy ships built abroad, and navigate them as English ships, it would cause more seamen to be employed. We have also shown that the Navigation Law has tended to deteriorate not to improve the character of British seamen. That the apprenticeship system injures them,\* that

4446.

4589. 4591.

\* The apprenticeship system is nothing new, it has been tried and it has failed before. 10 and 11 Will. III. c. 25 enacts, in sec. 10,



the apprentices are not selected from the classes likely to form good seamen, but are taken very much at random. They are under untaught captains, and their education is altogether disregarded. So far, therefore, the points are established, that the Navigation Law, Ship Registry Act, and Act for the Register of Seamen, do not increase either the number or character of our merchant sailors. We should have without them a greater number of ships better manned; therefore even if the Royal Navy must be manned from the merchant service, there is no ground on that account for the continuance of such laws. They are a hindrance, not a help, to the effective manning of the navy. 4587.

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THE MERCHANT SERVICE IS NOT A NURSERY OF SEAMEN  
FOR THE SERVICE OF THE STATE.

"The navy is a composite force, of which not more than one-fourth are seamen, and of that number not above one-tenth part have been brought up in the merchant service; the men we get from the merchant service are not of the best description; we are not particularly desirous, indeed, of obtaining such as come to us. The merchant service is capable of producing the very best seamen in the world, I am satisfied; but they do not come to us, *our wages are too low*; and other circumstances are opposed to their entering the navy; consequently, as matter of fact, I am prepared to say that the merchant service is not a nursery for seamen for the service of the State.—(4593.)

"The constitution of the naval force, according to the estimates for 1846, comprises 4254 officers, 6818 petty officers, 6572 able seamen, 4108 ordinary seamen, 822 landsmen, 1642 artificers, 1642 stokers, 1642 officers' servants, 2000 boys, 10,500 marines, 4476 officers on half-pay; making a total of 44,476.—(4594.)

"Out of that number, putting the petty officers and able seamen together, there are 10,680 'blue jackets' or seamen.—(4595.)

"Of that number, not more than one-tenth, come from the merchant service.—(4596.)

"I believe, from the best information I can obtain, that at the

that "Every master or owner of any fishing ship going to Newfoundland, shall have in his ship's company every fifth man a green man, that is to say, not a seaman or having ever been at sea before."

Small number  
of merchant  
seamen in the  
Royal Navy.

present moment there are not above a thousand men in the Royal Navy who have been brought up in the merchant service. The remainder of the sailors are trained in the navy itself.—(4586.)

“There is a very remarkable fact connected with the entering of able seamen into the navy. Of men who enter from the merchant service for the first time, one-half desert from their first ship ; consequently, naval commanders are not very anxious to obtain such men.—(4598.)

“During peace, the entry into the navy is entirely voluntary, and it is with very great difficulty that ships’ companies are got together. Ships are sometimes five or six months in completing their complement. They are completed for the most part from men who have served in the navy only.—(4601.)

“And the navy is recruited chiefly at present by boys brought up in the service.—(4602.)

“The habits of the men brought up in the merchant service, lead them to prefer that service to entering the Royal Navy.—(4604.)

“One, and probably the most important obstacle to their doing so, is the fact of the pay being inferior.—(4603.)

Impressment  
imprudent and  
impracticable.

“It appears that the only mode by which they could be obtained under present circumstances would be by impressment ; but I believe a very general and very confident opinion exists, that impressment would be both imprudent and impracticable ; that it would not afford the supply of which the navy would stand in need ; and consequently, I conclude, that under the present system, neither at present nor prospectively, can the merchant service be looked to as a source of supply for the navy.”—(4602.)

The above extracts are all of them from the evidence of Sir James Stirling, a post-captain in the navy, an officer at present in command, and of long practical experience both in peace and war. He held for some time the office of a Colonial Governor, and for a series of years has devoted his attention to the condition of our commercial marine, and the consideration of how the Royal Navy may be most efficiently supplied with men. His evidence of itself enough to put an end to the Navigation Law, and most certainly to overthrow the pretence that they nurse men for the navy, stands untouched by the evidence of any of the witnesses for the continuance of protection.

It is true, Mr. Dunbar quotes the preamble of the Register of Seaman’s Act, by way of proof that the merchant service

is a nursery for the navy. He might just as reasonably quote the preambles of the many Acts against witch-craft, to prove that those Acts did really stop old women from riding across the moon on broomsticks, and all the other wizard antics, for which poor old hags, in former days, were arraigned, tried, burnt, hanged, or drowned.

Mr. Macqueen informed the committee,

“That he had seen with his own eyes, often and often, that the effect of the British Navigation Laws had been to support the British navy. It was from the commercial marine that all our seamen were acquired, in the West India trade especially; the supply of our navy during the war was to a great extent from this source, more than 2000 seamen were annually drawn from the trade of the Clyde into the navy, and their places were just as regularly supplied by seamen from the herring trade on the west of Scotland.”—(6281.)

No proof, however, this, that the Navigation Law found the men who were kidnapped from the Clyde, or who filled their places from the west coast herring trade. It simply shows, that the earnings of seamen on the Clyde were sufficient to tempt men to fill the places of those who were carried off by the press-gangs, and to run the risk of being carried off in turn themselves, and that the profits of the herring fisheries were enough to bring new men into that occupation. The shoals of herrings had something to do with such manning of the navy as came from the west coast, the Acts of Navigation nothing whatever.

Mr. Young seems to entertain some doubt that the number in the Royal Navy, from the merchant service, can be so few as stated by Sir James Stirling, because, “if so, he has certainly been unfortunate as a shipowner, for he has had a great number of instances of men volunteering from his own ships into the navy.” So, likely enough, have many other ship-owners; the men take advantage of the special provision made for desertion in the Registry Act, and enter the navy, and then to regain their former liberty, they desert from the Queen’s ship, and go to their old employment, either at home or abroad.

Mr. Dunbar says :—

“ In the last war we had not men sufficient to bring our ships in, for you impressed every man that you could lay hold of.”—(5019.)

And Mr. Young, that—

“ Towards the conclusion of the late war, there was scarcely an able seaman left in the whole mercantile marine of this country, the whole of them having been absorbed into the British navy ; protections even to apprentices were, he believes, on three different occasions withdrawn.”—(5218.)

These statements are made by way of demonstration, that the Navigation Law nurses men for the navy. To us it seems merely to establish, that the men were carried off from the merchant ships by force, not spare men, made by the Navigation Law, but men who could very ill be done without ; *there were not men enough left to bring the ships in.*

4602.  
Impracticability  
of impress-  
ment now.

There is no need to dwell longer on this question of Impressment ; the truth is, the time has passed when the system could be brought into action. Since it was used in the last war, we have rail-roads, steam-ships, electric telegraphs, cheap publications, liberty of public meetings, newspapers within every one's reach, cheap postage and rapid conveyance of letters, and Members of Parliament responsible to great trading and manufacturing constituencies. The rights of labour begin to be understood, and the liberty and skill of the workman to be respected ; and there would, therefore, be no endurance now of such a tyranny as the impressment of the last war. But, even if the public voice would not denounce such wrong, and the people gather round the sailor to protect his rights as a workman, trade has so extended since the last war, that the seamen would have no difficulty in procuring employment under foreign flags, if they left our own ships, because the plague of the slave-trade raged amongst them. We contend, therefore, that for the future, impressment cannot be relied upon, “ it has become imprudent and impracticable.” But it does not follow, that the Royal Navy must go unmanned, or be in any difficulty for hands, either in peace or war.

4602.

## HOW TO MAN THE NAVY.

If the merchant service can find landsmen to fill up the places of the impressed, there need be no impressment. The Royal Navy can get landsmen. There is no need that the merchant ships should be a sort of gangway into the Queen's ships. The number of able seamen is of far more importance to the commercial marine than to ships of war.

"The introduction of steam navigation has rendered a less number of such able seamen as are trained up in the merchant service necessary in the navy; and the change which has taken place in the training of ships' companies, has also made it desirable to take a larger proportion of landmen than we should have been disposed to take in former years. A very great change has taken place in the navy of all foreign states, as well as ours, in respect to training men to the use of the guns, and the consequence of that change has been, that we cannot go into action with the same advantage with mere seamen now as we could formerly, when we had the same description of men to meet; if we are now to go into action, it must be with men who understand thoroughly the use of the guns, therefore we must have them for a longer period in order to train them; we do not, therefore, require the same proportion of seamen to man our ships as we did formerly; we are content with a smaller proportion of seamen, provided we have landsmen sufficient time to train them to the use of the guns."—(Sir. James Stirling, 4684.)

We want trained men for the Royal Navy.

Sir James also states,

"That there can be no doubt steam navigation will still more extend itself, and become used for naval warfare (4685), the consequence of which will be, that a still smaller supply of able seamen will be sufficient for the navy.—(4688.)

*"As matter of fact, the navy does not derive a large supply of seamen from the merchant service; and, looking to the exigencies of a war, is not likely to obtain a sufficient supply from the merchant service, even by impressment; therefore some arrangement should be made by which that prospective want may be supplied. In any constitution of the naval force, it would be highly desirable to include a certain portion of seamen brought up in the coasting trade; they are for certain purposes the very best description of men. Very high qualities are created by the life of hard ship and of exertion which those men undergo. Their hardihood, courage, and intelligence render them extremely desirable as a portion of every ship's company in the Royal Navy; but it is impossible to obtain the services of those men at the present rate of remuneration."*

The merchant service does not furnish men, and would not by impressment.

Pay the north-men and you will get them.

**Constitution of the navy.** *neration.* With the exception of the men to whom I have referred, the proportion of whom would not exceed one-tenth part of the whole naval force, the navy might be so constituted as to render it entirely independent of the merchant service, even in the event of a war. The navy at present is constituted by an annual vote; the number of men voted from year to year has fluctuated within the last few years, from 15,000 to 45,000. Every augmentation of the force attracts to the service a number of raw and untrained men. Every reduction, on the other hand, throws out of employment a proportionate number of trained and able seamen, who are thrown upon the merchant service, and if the merchant service cannot employ them, they are obliged to seek employment in other countries, carrying with them the fruits of the long training which they have undergone in our ships.

**Navy should be reconstituted.** "The first point to be attended to, in placing the navy upon a proper footing, would be to induce Parliament to place the navy upon some permanent footing as to amount, from which no unnecessary departure should take place. Upon an average of years, the country would find an ordinary peace establishment of a fixed amount the cheapest mode of dealing with that particular question. I would therefore begin a reconstitution of the navy, with fixing the peace establishment, and the consequence of that would be that a large part, in fact the whole force, would be trained men and able seamen, instead of being as they are now for the most part, inexperienced in arms and in the art of seamanship; and having that basis of trained and organized men, the force might be expanded to a very great amount by the addition of landsmen and marines, *without having occasion to the merchant service for a single seaman, even in the event of a war.* It would be a great point to render the two services independent of each other, so that if a war should take place, the trade of the country might not be interrupted by taking the seamen employed in the merchant service for the use of the navy."—(4615.)

**It is advisable that the two services be independent of one another.**

The witness goes on to say,

"I think it possible to arrive at a much more efficient force than we have now, without any increase whatever of the present expense; the great expense of the force at present arises from the large number of officers in proportion to the men engaged. A proper apportionment of officers would, I think, be found to produce so great a saving as to enable us to maintain a larger force at the expense at present incurred."—(1616. Sir J. Stirling.)

The following from Mr. Dunbar's evidence deserves attention in connexion with the above.

"Are you favourable to the present system of training up men in

the merchant service for the use of the navy in time of war?—I am favourable to it while you give us other privileges in return for it.—(5021.)

“Are you favourable to the law as it now stands, which seems to provide, according to your statement, that men shall be trained up in the merchant service during a time of peace, and then be taken for the use of the navy in time of war?—I am favourable to it while I get privileges in return for it, but if you take away those privileges I am not favourable to it; I pay at least £1000. a-year for apprentices.”—(5022.)

Sir James Stirling says,

“I feel convinced that if the shipping interest were exempted from all restrictions and all unnecessary charges; if in other words, the Navigation Act, the Registry Act, and several Acts which impose fiscal and local charges on ships, were repealed, the maritime prosperity of this country would exceed anything that we at the present time have any idea of. I believe that by reducing the cost of ships, and consequently of freights, we should increase trade to an enormous extent. I think we have the strongest proof in the immense traffic which railroads have occasioned in this country, that cheap conveyance on the sea would have a similar effect there, and that we should not only obtain a much larger quantity of the goods which have hitherto come to market, but that we should find new exchangeable commodities, which at present do not come there; we should bring the timber of India or Australia at half its present cost; we should carry on the fisheries to a much greater extent, and be enabled to stimulate every branch of industry in this and other countries to an extent that we have no idea of. All this would be the consequence of the abolition of those laws which enhance the cost of shipping; and amongst those laws, my opinion is, that the Navigation Act and the Registry Act may be classed.”—(4684.)

If the Navigation Acts and Registry Act were repealed, freights would increase enormously.

It seems therefore that the privileges of which Mr. Dunbar makes so much, prevents the progress of our shipping; without them, we should have more trade, more ships, more men, and therefore even if we were to keep to the old impressment system, wider hunting grounds for the navy in time of war. But the evidence is before us, that the union of the navy and the merchant service is a mistake, that the commercial marine, to reach its highest excellence must be in free competition with all the shipping of the world; that the Royal Navy, to attain the best efficiency must train its own men; that impressment

must be counted amongst the relics of extinct barbarism, never again to be trusted nor attempted ; that such of the brave seamen of the north coast as the navy wants, are to be had for wages proportioned to their worth ; that as they are men of great hardihood, great skill, and in constant demand, they must be well paid ; that the abolition of the Navigation Law can in no way interfere with them ; that their excellence has been made by the dangers and difficulties of the coast, and they need no other protection ; that in future, war at sea will, in a great measure, be carried on by steamers, so that the railways and the Thames steam-boats, which by the way have no protection, are as likely to be nurseries of the navy as the commercial marine, and a very convenient state of affairs it would be, if every engineer and stoker must carry an useless boy on every locomotive with him, and all the skilled engine-men were to be abstracted at the first rumour of war, and it would scarcely be a pretext for coming to Parliament for power to charge higher toll on goods and passengers, that their engineers and stokers were liable to be carried off by press-gangs, and that they were compelled by law to take an apprentice on every tender. There is an end therefore in all its branches of the nursery question. No pretext left for the continuance of a Navigation Law on any Royal Navy plea.

So that we have the coast clear for consideration of the question of protection to shipping on its own merits.

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BRITISH POSSESSIONS.

Waste by  
circuitous trans-  
port.

To any people having produce to send to market, either by land or water, circuitous or expensive conveyance are manifest disadvantages. If they have the market secured to themselves, high prices may pay for the long voyaging and travelling of the goods, though high prices do not win customers. A basket of eggs that is charged a penny for crossing a ferry on its way to market, must cost more to the consumer by that



penny. And if one farmer can bring his eggs by the ferry at the cost of a halfpenny, while the other has to pay the penny, he can undersell his competitors by that amount. This could not happen if each farmer were free to choose his own ferry-boat; but if one were compelled by law to go in the penny boat, while the other could take which he liked, it is clear, that he who is thus restricted, labours under a disadvantage, for which he can only be compensated by having the whole market secured to himself.

Illustration.

The case of the Colonies and the Navigation Laws is just such as we have described. Our ships had the whole ferry to themselves, and put on the penny. The colonists had the whole market to themselves and charged the penny. But the colonist has the market to himself no longer—foreigners can bring to England the same goods as he, and can cross a cheaper ferry, and the difference is not to be comfortably made up by charging a higher price for the commodity. So it is discovered that the exclusive ferry is a double hindrance to trade, by reason of the extra freights, and still worse, the want of more means of transport. The colonists complain that the Navigation Laws, compelling them to send their goods only in English ships, allow them too few ships, and oppress them with unfair freights, whilst low prices force them to increased production; and as they must sell their sugar and coffee in competition with all the world, they ask, reasonably enough, that there may be a like free competition amongst the ships to carry it. They say the English shipowners have new and more sugars to carry in their ships, and therefore they should have new and more ships to carry their sugars.

The Navigation Law found out.

Case of the colonist.

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#### INDIA.

Of all our possessions, British India is the most extensive and populous, the richest in undeveloped resources of production and trade, and the most strangely and harshly dealt with by our Navigation Law.

The overland route shut to commodities.

2347. The tenth and eleventh sections of the 8th and 9th Vic., cap. 88, are not the only restrictions imposed upon trade with India, though they are sufficiently stringent; so much so, that a person travelling overland from India, cannot bring any Indian commodity with him through Europe and across the channel to England, not even a fan, without an express permission by the customs. And no matter how great facilities of import by the overland route may hereafter be given by canal or railroad across the Isthmus of Suez, and the completion of railroad and canal communication on the continent of Europe, the goods from India must go round the Cape, or at best could only be imported from places within the Straits of Gibraltar direct by sea.

2354-2356.

F. C. Browne,  
3820, 3821.

Prohibitions by  
the Government  
of India.

The regulations of the East India Company prohibit all imports, unless in ships belonging to countries having possessions in India, and even in those ships all imports and exports pay double duties. "This acts to such extent as a prohibition, that in point of fact, there are very few foreign ships employed in the trade with India, hardly any but French (who have possessions), and Americans, (who trade under a special convention, established by 37th. George III., c. 97, sec. 22) and those trade chiefly with Calcutta." As an instance of the action of this double duty on goods imported and exported in foreign bottoms, we request attention to the following, from the evidence of Mr. Francis Carnac Browne, a merchant and proprietor of land in India.

Foreign trade  
destroyed.

"Has not the policy of the East Indian government been to exclude the foreign trade altogether?—At one time, a positive restriction was enacted against the trade with foreigners in India. I can myself speak personally to the fact, that in the year 1822 or 1823, the Court of Directors sent out positive orders that all exports in British or in Asiatic bottoms from any port in India to any foreign port in India, should pay the same duty as if exported in a foreign bottom.

"It operated most grievously upon myself.

"A French ship came with hard money to purchase a cargo of pepper; I had pepper, which I was ready to sell; the ship was at anchor four miles off, at the French settlement of Mahe; *on proceeding to send the cargo of pepper to her in my own craft, I had to pay*

*double duty*; I persisted in the operation, and when it was over, I gave the detail of it to the Madras government, and showed them the actual loss which I had incurred by the transaction; and showed them at the same time that the ship had only to go a distance of two hundred miles to other states, and there she would have got the same cargo if I had not sold it to her. But the operation of that restriction, enforced by the Court of Directors throughout the whole of India, was to make it impossible for any British merchant or any native merchant to trade with a foreigner."—(3823-4.)

Such a state of things does not exist now. The letter stating the grievance was not acknowledged; but about two or three years after its receipt, a proclamation was issued by Sir Thomas Munro, then Governor, abolishing the double duty on British ships trading with foreign ports; the effect, however, of the double duty on British ships in stopping all trade in them to foreign countries, shows that the like duty still charged on foreign ships must exclude them, and foreigners look upon it as a prohibition of their shipping.

There is an exception to the prohibition of trade in the ships of countries not having Indian possessions.

Ships belonging to those countries with which certain treaties have been entered into, may export goods from the United Kingdom to the presidencies in Asia of Calcutta, Madras, Bombay, and Prince of Wales' Island; the privilege was first given to the United States of America, and to the Prince Regent of Portugal, on 2nd July, 1819, and that privilege is now continued by the existing Acts, and given to all countries which have the same privileges granted by treaty as were enjoyed by the United States of America.

Their ships may export goods from the United Kingdom only to the principal settlements of the British dominions in the East Indies, viz., Calcutta, Madras, Bombay, and Prince of Wales' Island.

There is not any restriction with regard to the goods which the American or other ships may carry to India; the privilege applies to any goods which may be legally exported, but in point of fact they only export coals.

But there is nothing to prevent their exporting British manufactures; the section says, "any articles which may be legally exported from the United Kingdom to the said settlements"—(2454-8.)

These privileges, however, are rendered practically inoperative by the system of differential duties on goods imported to India in foreign bottoms. So that as to India, we have before us so far a double exclusion. First, our ships have the monopoly of car-

Double duties.

2454.

3826.

3827.

What foreign ships may trade with India.

riage to and from India and England, and our other possessions and India, one result of which we gather from the following evidence of Mr. Duncan Dunbar,—

Freights raised.

“If we had to encounter competition, we should not expect to get such good freights.—(5049.)

“We have increased freights from the absence of competition, from having the exclusive carrying.”—(5050.)

#### THE NATIVE SAILORS OF BRITISH INDIA CANNOT BE BRITISH SEAMEN.

Natives of India in a worse strait than foreigners.

But India has to contend against a restriction, that not only places her at a disadvantage amongst our colonies, but actually in a worse position, as to trade with the mother-country, than foreigners themselves. The seventeenth section of the Navigation Act declares, that *natives of India are not to be British seamen*. They can neither command nor man a British ship coming west of the Cape of Good Hope. Ships so manned cannot come to our ports as foreign, for the Lascars are British subjects, and the ships are British-built and owned. They cannot enter the ports of any foreign country, having a Navigation Law, as English, because our Law declares, that three-fourths of the crew of every British ship must be British seamen; and natives of India cannot be British seamen. The exception that Lascars may be taken when no other men are to be had, is practically of no use; they can only navigate the ship into a British port, and not out of it.

At a port where there are no British sailors, Lascars may be shipped, but the permission is useless.

“You are bound, on arriving here, to take a British crew, though it is certified that you cannot get British seamen in India.—(4052.)

“And you are bound to support the Lascars in this country, and to carry them back, even when the owner obtains a certificate declaring that he cannot get British seamen in India, and he brings the Lascars over here in consequence; he is obliged to take back a crew of Lascars and a crew of British seamen.—(4053.)

A ship can enter a British port with Lascar crew, but cannot clear out so manned.

“Those prohibitions prevent the obtaining of native captains at all. They act as a total prohibition; for if you sent home a native captain in command of a ship, he would be immediately cast adrift with the rest of the crew, and you would be obliged to engage another captain as well as another crew; there is no difference made between captains and seamen; they are all called ‘Lascars.’—(3782.)

"A Lascar manned ship can bring cotton to England, but she must carry out an English crew as well as her Lascar crew when she returns to India" (4023); "and, in fact, the expenses to those ships are so great, that they are prohibited from carrying on the trade."—(4024.)

"The restriction which is imposed upon the native shipowner of India, with reference to his crew of Lascars, is such as to double the expenses of the voyage, in comparison with the expenses of a British ship."—(3894.)

The following entry of an Indian ship was handed in by Mr. Browne:—

The Country Ship, *Earl of Balcarras*, of 1440 tons (owner, Sir Jamsetjee Jejeebhoy, knight, of Bombay), entered at the London Custom-house, from Canton, with a crew of Lascars, 31st December, 1838.

Cargo :		£.
Tea . . .	27,954 packages	Estimated net proceeds 180,000
Silk . . .	664 bales	Value of the ship . . 40,000
Soy . . .	2 chests	
Ditto . .	10 tierces	£220,000
Earthenware	25 chests	
Merchandise	249 packages	
Sweetmeats	100 boxes	

This ship, before she could clear out from London, had, in addition to the Lascar crew who had brought her over, to ship about 70 English seamen; so that, in fact, the vessel had to carry out seventy passengers, feed them on the voyage, and pay them for taking it. This ate the profit up so, that Sir Jamsetjee Jejeebhoy determined not to send his ship to England again; and yet his crew were British, his ship a British ship, himself a British subject, and knighted by the Queen for his enterprise as a merchant and a shipowner: all ship-shape enough, but for trade with England the crew were born too far east of Greenwich by the rounding of the Cape.

"Of late years native labourers have been sent from India to the West Indies, and to Mauritius, to grow sugar. Those Coolies will prefer, and very naturally, going by ships of their own country. The voyage to the West Indies, if made in vessels manned by their own countrymen, would be made under more agreeable auspices; but the ship, though she may take the labourers to grow the sugar, cannot, with her native crew, take a cargo of the sugar to England, but must sail back in ballast to India."—(3801.)

Double ex-  
penses.

Ship, Earl Bal-  
carras.

The Indian ship  
must take sea-  
men as pas-  
sengers.

3788.

Check to the  
emigration of  
Coolies.

Neither emigrants nor sugar to Mauritius in an Indian manned-ship.  
8802.

As to Mauritius, the case is still stronger. Labourers to grow sugar, and rice to feed them, have both to be brought there from India. The Lascar-manned ship may carry both there, but must return in ballast; for she cannot clear out from any port, as a British ship, with a cargo. The result is that Indian ships are not employed.

How they are sent.

"The ships for the purpose are chartered from London, or some other English port; they go out with an outward freight to India, they deliver their outward freight, and receive on board the Coolies, and then go to the West Indies, and bring home a cargo of sugar or anything else, thus making it a profitable voyage for such a ship; whereas, had the same voyage been undertaken by a country ship, it would have been a ruinous one.—(3803.)

Ships with rice return in ballast.

"The rice exported from Calcutta is exported, generally speaking, in country ships; but whenever it is exported in country ships, the ships return in ballast to India, because they can bring nothing from the Mauritius that is wanted in India; but whenever rice is exported in a British ship there, as well as everywhere else, she delivers her rice, and takes on board a cargo of sugar, and comes on here, and the consequence is, that a British ship can bring the rice to the Mauritius much cheaper than a country ship."—(3918.)

Few British ships built in India.

"It is almost needless to state, that this practical exclusion of Indian ships from trade with England and foreign countries, prevents the build of ships there. It stands to reason that the law must have the effect of greatly limiting ship-building in India; for it is as if you had a conveyance that could only run upon the stones; what use would it be beyond them? So it is with a country ship in India; the owner of it can only employ it in a particular trade, and, consequently, all Indian ship-building is regulated by the amount of that particular trade, and not by the total wants of the trade of the world.

The best timber there.

"There are in India capabilities of increasing ship-building to a great extent; you have in India the finest timber in the world.—(3938.)

"And but for this prohibition of the trade between British India and the United Kingdom, in country ships, there would, I believe, be considerable employment given to the natives of British India in ship-building.—(3939.)

Mr. Browne says,

"That but for this restriction, it would have been worth his while, years ago, to have had a ship of his own built in India, on purpose to bring his own produce; but he has never had one, and cannot have one, owing to the restriction in favour of particular ships. He could not have paid the extra expense."—(3879.)

"If the Navigation Laws were abolished, the native merchants would fit out more ships. My calculation is this ; that as far as the native shipowner is concerned, England is now excluded from his speculations in all his commercial operations ; and, I apprehend, that if he could include England in his circuit of operations, England being the most wealthy country in the world, and the country in which all commercial operations centre, he would fit out more ships, because he would be able to take England into his calculation. For example : a British ship clears out from England with an outward freight ; she goes to Bombay, and delivers that freight, and she takes a fresh freight of cotton on to China, and delivers it there ; and she takes a cargo of tea in China, and brings it to England. What is the condition of the country ship of India ? The only voyage she can make is the voyage from Bombay, with a cargo of cotton, to Canton, and back again. She cannot complete her loading in Canton for the backward voyage to India with tea, because tea in India is not consumed in sufficient quantity to enable her to do so ; so that she is obliged to come back in ballast ; whereas, if the impediment did not exist, if the freight were sufficiently remunerative, she would load a cargo of tea in China, and bring it to England if it were worth her while ; and if it were not worth her while, she would not do so. But the complaint is, that when it is worth while to compete with British ships, the country ship is precluded from doing so by the additional charges applied to her in the ports of England."—(3882.)

If Lascar manned-ships from India could clear from England, there would be an immense increase of trade.

Then as to foreign trade,

"If, for example, a country ship comes here with a cargo of cotton, she comes to Cowes just as an American ship does ; she hears of the price of cotton on the continent being remunerative, but she cannot go to any country having a Navigation law of its own, because by your law you do not admit that the race of Lascars forming her crew are British seamen.—(3934.)

Lascar manned-ships cannot trade between India and foreign countries.

"Those country ships cannot trade between foreign countries and British India, because they are manned by seamen whom those laws declare not to be British seamen.—(3927.)

"Would they be admitted in America as British ships ?—No, they would not.—(3928.)

"The Law not only prevents the trade between India and the United Kingdom being carried on in country ships, but it also prevents the trade being carried on in those ships between British India and foreign countries.—(3931.)

"Are you aware, from your residence in India, that merchants there, if they were allowed, could trade with profit to the United States, or any other country ?—I have not the smallest doubt that they could, there being men of intelligence, and capital and enterprise there, as everywhere else ; merchants and shipowners here

find it to their advantage, that they are able to trade to all parts of the world, and I do not see why the merchants and shipowners of India should not also find it so. If that trade is not likely to be profitably engaged in by the merchants and shipowners of India, they would not engage in it, and consequently they would not compete with parties who have been carrying on the trade.—(3929.)

“Would you not, as a merchant residing on the Malabar coast, as you were, and anxious to supply articles, the produce of that country, to Europe, if all country and foreign vessels were allowed to come here, have frequently made up a general cargo of a variety of articles, instead of being obliged, as you have stated you were, to send articles up to Bombay, there to wait for freight?—I should.—(3903.)

“Would not that have tended to increase the productive power of British India, as well as the profit of the merchant dealing in those articles?—Certainly.—(3904.)

British exports  
to India limited  
by Navigation  
Laws.

“Is it then your decided opinion that the Navigation Laws, and the restrictions that have hitherto existed in India, have very much tended to limit the trade and commerce of that country, and consequently to limit the exports from this country to India?—I believe they have.—(3905.)

“Do you think that the effect of the English Navigation Act, as it relates to India, is to prevent the building of merchant ships in India?—Decidedly.”—(3930.)

Mr. Browne also says,

Exclusion of  
Lascars the  
source of great  
dissatisfaction.

“The natives of British India have not the means of making complaints; but it is a perpetual source of dissatisfaction and internal complaint amongst themselves.—(3914.)

“The natives of British India feel that this is a disability to which they should not be subject, their being prevented from becoming British seamen. They feel it, and deeply feel it.—(3915.)

“I have often heard the complaint made that the ships of British India are placed by this country in a worse position than the ships of foreign nations.”—(3916.)

The traps ex-  
posed.

So far, therefore, as the Navigation Law refers to India, it applies itself to keep down, not to increase, British ships and seamen. In that quarter of our empire, it stands clearly convicted of disregarding every thing but the creation of a monopoly. The trade of the colony, the consumers at home, the wants, wishes, and genius of the native population, the growth of first-class ships and able seamen, all are disregarded for the one purpose of giving a monopoly of the Indian carrying trade



to English ships, the which permanently raises the rate of freight from India, Singapore, and China, and enhances to the English consumer the price of all the commodities brought from those countries.

At all events, looking at the purpose for which the Navigation Laws were made, we give credit to their framers for the ingenious devices by which they sought to gain credit for fair-dealing toward the colonies, while at the same time, they maintained in its full integrity the monopoly of the shipowners. They admitted the ships of the colonies that had no ships, while by a side wind they excluded the only one capable of helping herself in the transport of her own produce.

3891.

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#### COTTON.

It is an established fact, that there is hardly a limit to the quantities of cotton that may be produced in India. It is of the utmost importance to this country that it should be produced there; for so long as America has to be looked to for the whole supply, the uncertainty of the production, and the extent of the demand for their own manufacturing purposes, and those of other foreign countries must give rise to constant fluctuation in price, to almost incessant speculation, and at times, as now, to the stoppage of the manufacture from excessive scarcity and cost of the raw material.

Importance of a supply of cotton from India.

The cultivation of cotton in India needs no encouragement—no protection, it is native to the soil, and there is only need to remove hindrances to its cultivation and export, and the production will increase fast enough to ensure a supply sufficient to meet the progress of our cotton manufacture, and to save those engaged in it, from such sudden changes of prices as must occur, whenever an article of such general and vast consumption is produced only in one region.

No limit to its production.

The production of cotton in India has of late, spite of the increasing want of it, and its high price, declined rapidly. No wonder; the anti-Lascar clause has prevented there being ships to

Production of cotton in India declines.

carry it to England, and nothing so soon tells upon production as any permanent difficulty of getting to market. The Indians are not so simple as very many times over to incur the whole cost of raising, and picking, and cleaning, and packing cotton, and sending it to Bombay or any other port, when there is a constant uncertainty as to there being ships to carry it from thence to England. Mr Browne says,

"I received by the last mail, May 1847, a letter from Bombay, telling me that the roads in the neighbourhood of Bombay are encumbered with carts and bullocks bringing cotton, and on its arrival at Bombay there are no British ships to take it away. The rate of freight has been in Bombay as high as eight guineas a ton.—(3700.)

Idle ships at  
Bombay.

*"The ports of Bombay and Calcutta are at the present moment filled with ships, not only seaworthy, but efficiently commanded, and which would bring home that produce, if they were suffered to do so."*—(3786.)

The witness handed in a list of shipping in the harbour of Bombay, containing eighteen Indian ships, of an aggregate tonnage of 10,000 tons, one-half of them idle, and not one of the other half bound for England. The case of Sir Jamsetjee Jeejeebhoy's ship, one of the idle ones, was quite enough to put England out of the question. Not the least doubt that, but for that anti-Lascar clause, every ship of them would have been employed, and if the said clause, had never been in existence, there would have been more of such ships and more cotton. Freedom of trading and ease of carriage would have increased both. But as it is, Lascars cannot be British seamen.

Stores of cotton  
in the ware-  
houses of Bom-  
bay.

Scarcity and  
high price of  
cotton in the  
manufacturing  
towns in  
England.

The cotton is stored up in the warehouses at Bombay.

Intelligence of the high price in England spreads up the country.

More and more cotton is sent down ; the bullocks and carts crowd the roads.

The ships ride idle in the harbour of Bombay.

There are no British seamen, but there are plenty of Lascars (*British subjects*), to be had to man those ships.

Lancashire wants the cotton, is idle, starves for want of it.

It is a dead loss to have the ships idle, but it would be a heavier loss to send them manned with Lascars to England,

and have to bring them back with the Lascars, and, in addition, one British seaman to every twenty tons.

So the ships ride on in idleness, the owners learning not to build many more.

The cotton cannot get to the high prices. It lies law-bound at Bombay.

The growers take a lesson to produce less next year.

Nothing for the Lascars to do, so they look at the ships, and wonder at the wisdom and justice of England. And Manchester spinners and weavers may live or famish, as the case may be; and there really are some people going at large, who are, or pretend to be, of opinion, that such an outrageous absurdity can last.

Do not let it be said, "those Indian ships are built for their own coasting trade, and are unfit for long voyages." The very reverse is the fact, for, generally speaking, they are of a larger tonnage than the average tonnage of British ships. They are built of teak wood, and are the finest ships in the world. "I have seen," says the witness, "a teak ship that was 80 years old, going to sea, and perfectly seaworthy."

The ships are the best in the world.

4043.

3787.

3940.

It will not do either to say that these Lascars are bad sailors, or hard to manage.

The late Mr. Soames, before the Committee of 1844, stated,

"That going on the East India trade, he would rather have Lascars. In a warm climate you do not require a greater number of them than of British seamen. Their great merit is in their orderly conduct; they are as quiet as lambs on board ship."—(619-21.)

The Lascars are good seamen.

Nor can it be said that they are only summer sailors. The entry of the ship *Balcarras* shows that they came with her at Christmas time; and, on the same point, we have the following conclusive evidence:—

"I believe you can give some opinion of the value of Lascars as seamen when removed into a very cold and variable climate?—Not from my own experience, but I can give it from the very best source. I had it yesterday from an officer in the navy; he himself navigated a ship of 900 tons from Calcutta, manned by a crew of

\* For further information as to the excellence of Indian ships and of Lascars as seamen, see appendix letter of Capt. R. Cogan, J.N.

Lascars, and arrived here in the month of January ; he was three weeks in the Channel, and he is as ready this moment to sail in a ship manned by Lascars as in a ship manned by British seamen. My informant is Sir Joseph Douglas, who would be happy to give his evidence before the Committee if required.—(F. C. Browne, 4025.)

## OUR OTHER COLONIES.

8th & 9th Vic.  
chap. 88.

All exports from the United Kingdom to the colonies must be in British ships.—N. A. VII.

All exports from colony to colony, and from place to place, in each colony, must be in British ships.—N. A. X.

All exports from the colonies to the United Kingdom must be in British ships.—N. A. IV.

The conditions  
on which foreign  
ships may carry  
to our colonies.

Foreign goods must be carried to the colonies only in British ships, or in foreign ships of the same country as the goods, and from the ports of that country ; they cannot bring their own produce from a foreign port.\*

What privileges  
they must give  
in return.

The ships allowed this privilege must have colonial possessions of their own, and must give as wide privileges as they get, or if they have no possessions, they must give all the privileges they can, by placing us on the footing of their most favoured nation, and they must have an Order in Council, declaring, that having fulfilled the conditions, they are entitled to the privileges. *Unless Her Majesty, by her Order in Council, shall, in any case deem it expedient to grant the whole, or any such Privileges, to the Ships of any Foreign Country, although the Conditions aforesaid shall not, in all respects, be fulfilled by such Foreign Country.* (Possessions

Possessions  
Act, sec. 2.

An Order in  
Council can place  
all foreign ships  
as to trade with  
our colonies on  
equal terms.

\* A little word sometimes makes a great difference.

In respect of the European trade with England, goods are admitted in ships of the country of which they are the produce, *or* from which they are imported.

In respect of the European trade with the colonies, goods are admitted in ships of the country of which they are the produce, *and* from which they are imported. The first is a single, the second a double restriction. In the first, the ship and goods, or ship and port, must be of the same country.

In the second, ship, goods, and port, must all three be of the same country.

Act, sec. 4.) The clause which we have given in italics is important, as giving the Queen power, by Order in Council, so far to relax the Navigation Laws in favour of the colonies, as to allow all foreign ships to import and export, to and from the colonies, on equal terms.

TABLE OF COUNTRIES THAT MAY AND MAY NOT TRADE TO  
OUR COLONIES.

The following table shows to what extent this power has been exercised by the crown :—

*Countries west of the Cape of Good Hope who may trade with their own ships to the colonies :—*

Austria, Order in Council, 7th April, 1830.	Treaty, 3rd July, 1838.
Prussia, Order in Council, 3rd May, 1826.	
Hanover	} Order in Council, 16th July, 1827.
Sweden and Norway	
Oldenburg	
Lubeck, Bremen, and Hamburg	
Columbia	
Rio de la Plata—Buenos Ayres	
Mexico	
Russia	
Bolivia, Treaty, 29th September, 1840.	
Chili, Order in Council, 11th August, 1841.	
Denmark, Order in Council, 1st April, 1835.	
Portugal, Order in Council, 2nd November, 1842.	
United States of America, Order in Council, 5th November, 1830.	
Zolverian States, Treaty, 2nd March, 1841.	
Hayti, Order in Council, 23rd August, 1843.	

*Countries west of the Cape who may partially trade with their own ships to the colonies :—*

France, Order in Council, 1st June, 1826 ; 16th December, 1826 ; 16th July, 1827.
Spain, from Spanish colonies to British colonies, 28th April, 1828.
Greece, with British India, Treaty, 4th October, 1837.
Muscat, Europe and Asia, Treaty, 31st May, 1839.

*Countries west of the Cape who cannot trade with their own ships to the colonies :—*

Baden.	Netherlands.	Texas.
Belgium.	Peru.	Tripoli.
Brazil.	Sardinia.	Tunis.
China.	Sicily.	Tuscany.
Morocco.	Turkey.	Uruguay.

## SUMMARY OF COLONIAL RESTRICTIONS.

All foreign ships, having right of trade with the colonies must enter and clear from a free port.

Possessions Act,  
sec. 2.

All British ships, unless from England, or to it, or to, or from some British colony, must also enter and clear from a free port.

Any and every colonial port may be declared a free port.\*

What the Re-  
strictions on the  
colonies are.

The restrictions on the colonies, therefore, may be shortly stated to be :—

Exclusion of all foreign ships from indirect trade, inter-colonial trade, and trade between the colonies and Great Britain.

Direct trade.

Limitation of direct trade in foreign ships to certain ships and to the free ports.

Limitation of British ships from or to foreign ports to the free ports.

Indirect trade.

The prohibition of indirect trade comes to this : a foreign ship cannot take colonial goods to a foreign port, and return with a cargo from that port to the colonies. If she return to the colony from the foreign port it must be in ballast. If she come with a return cargo, it must be from her mother country. For instance :—

How the re-  
strictions work.

"A Spanish ship will proceed from Newfoundland with fish to some port in South America, and that ship cannot go to a British colony from South America, or bring anything to it, in order to obtain a return freight there with which to proceed, not to the United Kingdom, but to proceed from that port in the British colony to a port in Europe. A Neapolitan ship taking a cargo of Sicilian wines to Newfoundland, and taking a cargo of fish from Newfoundland to any foreign state, cannot return again laden to Newfoundland for a cargo of fish unless that ship goes back to her own country. A Neapolitan ship can take a cargo from Newfoundland to Cadiz, but that same Neapolitan ship cannot go back laden to Newfoundland again unless she makes a voyage up the Mediterranean to Palermo or Naples, to obtain a freight to Newfoundland." —(723.)

\* For list of free ports, see appendix.

No amount of inquiry, no evidence that could be collected, can give us the sum, or even an approximate to the sum, of trade prevented by such interferences with its free and natural current. They are founded on some kind of belief that trade every where has attained its utmost capability of extension, that there is an ascertained amount of goods to be carried by sea in certain directions, and that whatever foreign ships get is just so much taken from cargoes for British ships. The answer is, that people believed when railways were proposed, that coaches and waggons carried every body, and every thing that would ever need to be carried, and as not even the most sanguine dreamt of the enormous traffic that has been developed, so can no man venture to say how great a trade may spring up amongst the colonies, under freedom of navigation. But we have abundant evidence, that under protected navigation the progress of such trade is prevented.

No limit can be set to the increase of trade.

Mr. David M'Laren, the London manager of the South Australian Company, lived in South Australia for four years as manager of the Company's Bank there, and states,

Australia and its productions.

"That during the years 1842 and 1843, South Australia was found to be rich in mines of lead and copper, so much so, that during the last nine months there have been sold at Swansea, of South Australian ore, 3618 tons, and besides those there were 500 tons lost in a vessel off the coast of Swansea, making upwards of 4000 tons during the last nine months. They could export very much more. At a very moderate estimate they can at present send from 10,000 to 12,000 tons per annum; some parties rate it much higher, but we are justified in rating it at present, at from 10,000 to 12,000 tons of copper ore per annum.

Australian copper ore.

"The sales of land for mineral purposes have greatly increased of late; there have been 80,000 acres sold as special surveys on that account; and besides those, 7800 acres have been sold by public sale in the colony on the same account, for which upwards of £130,000 have been paid in all."—(3473-5-6-7.)

The question very naturally arises, why with all this production and power of production, there have not been more than 4000 tons brought here. The following evidence gives the reason :—

Deficiency of vessels prevents export of produce from Australia.

"Have you brought home all you can produce?—No; there has been a deficiency of vessels.—(3478.)

"Has there been a deficiency of all vessels, or only a deficiency of British vessels?—There were no other vessels than British vessels permitted to bring it.—(3479.)

"Have there been Hamburg and Bremen vessels in Australia, which would have been very glad to have brought the copper ore?—Yes, there have been Bremen vessels which would have been very glad to have brought it.—(3480.)

"Those vessels have gone away elsewhere to seek freight?—Yes, they have; they went on to Singapore, and China, and India, seeking freight, because they were not allowed to bring the copper ore to this country.—(3481.)

Emigration of miners to Australia prevented.

"The mining operations have given rise to a demand for men. Labourers from Germany are of very great value in the colony, from having been acquainted with the operations in the mining districts of Germany. There were two vessels that went out this last year, and the whole number of persons who went out in them are said to have been engaged by one house on arrival. It would therefore be of great importance to have the supply of labour which those German vessels would assuredly take, if they had the liberty of bringing return cargoes in ore, which is the great article sent from the colony."—(3516.)

But the trade is stopped, not only in copper to England, but in other produce of the colony.

Export of wool from Australia impeded.

"The fact that those German vessels coming to South Australia are prevented from bringing the produce of Australia to this country is generally injurious to the colony, not as regards copper ore merely, but as regards other articles, such as wool?"—(3497.)

"They cannot bring wool to the continent of Europe and have it sent afterwards to England; if they had the liberty, on finding that the German market did not suit them at the time, to send the wool afterwards to England, it is probable that they would send some of the coarse wool from Australia to Germany; because they are now in the way of sending Australian wool from London to Germany; and they would take the chance of sending it direct, provided they knew that they had the liberty afterwards of bringing it from Germany to England, if they did not find a suitable market for it in Germany."—(3498.)

On the same point we have the following evidence from Mr. Swaine, a Hamburg merchant:—

"Do you ever import into Hamburg Australian wool?—No, it has never been imported direct into Hamburg from the colony of



Australia, but a few bags have been occasionally imported from London.”—(3064.)

“But it is a great article of manufacture in Germany?—Yes.”—(3065.)

“Is there any reason why you do not import it from Australia?—The chief reason that exists is that it would be impossible to re-export to Great Britain any surplus quantity that could not be sold to the German manufacturer, and the risk to the importer would therefore be too great to allow him to bring.”—(3066.)

Surplus of wool cannot be re-exported from Germany to England.

“You think that there would be a trade between Australia and Hamburg in the article of wool if the importers could get rid of their surplus in England?—I think the wool merchants in Australia would benefit by the foreign competition which would take place if the Navigation Laws did not exist. Sheep’s wool from South America is an article which has been imported direct, and sold to some considerable extent in Germany.”—(3067.)

There can, consequently, be no doubt that Australian wool would find an increasing market through Hamburg; but it would be too much of a risk to depend at first on that market alone, and therefore the trade does not begin.

All dye woods, spices, sugar, tea, wool, cotton, coffee, corn, and, in short, everything from the colonies, except gold, silver, diamonds, pearls, and precious stones, are in the same predicament; they cannot be brought from any port in Europe, either in a British or foreign ship. Be cotton or wool, sugar or tea, ever so abundant at Marseilles or Hamburg, and ever so scarce in England, no ship can bring them. They are forbidden freight alike to all, to the Frenchman or Hamburger, because they are not the produce of his country; to the Englishman, because they are the produce of a British possession, and have already got part of the way to England; and it is held to be for the good of British ships that they must carry those goods all the way, or not at all; which, no doubt, is just about as good for ships, as it would be for stage-coaches, if an act were passed that every passenger must be taken up at his own door, and that, once carried part of his way in one coach, he must on no account be taken the rest of it in any other. This prohibition, which is imagined to give our ships long voyages, and which often really prevents them of a voyage, applies alike to all our colonies, and does them all injury,

Colonial produce cannot be imported from Europe.

Trying to give our ships long voyages we give the colonies short trade.

just in proportion to their extent and powers of export, and the relative demand for their goods in British and foreign ports.

Australia and  
the mother-  
country both  
injured.

Behind this evident injury to the colonies, there lurks a mischief to the mother-country very likely to be overlooked. The case of Australia places it in a strong light. The scarcity of British ships makes it impossible to send to England all the copper ore raised in Australia, and the high freights diminishing very much the profits on what was sent, "the project has been entertained of smelting copper-ore in Australia."

3485-3488.

Smelting in  
Australia.

"The plan in view, was to have smelting works at Port Adelaide, and smelting works at Newcastle, in New South Wales (where coal is to be had), and trading vessels between those two places; the vessel that went from Port Adelaide to Newcastle, in New South Wales, would carry ore, and the vessel returning to Port Adelaide from Newcastle would bring coals."—(3545.)

The manufactured copper would then be sent to the East Indies, where there is an extensive demand for it. The energy of the South Australian colonists is such that they will surmount the difficulties that have been or may be imposed upon them, and they will be sure to thrive. But this is not all: as Hamburgh ships cannot carry copper ore, nor wool, and other Australian produce to England at all, nor to their own country, without risk of loss from a surplus that could not be disposed of there, and must not be carried from thence to England; and as emigration from Germany to Australia is on the increase, ("there having been one vessel in 1844, two in 1845, three in 1846)," and as a diminution in the cost of passage would greatly increase the number of emigrants, and as those Hamburgh and Bremen ships have no return cargoes from Australia, either to England or Hamburgh, and are, therefore, compelled to charge more for passage than they should otherwise do, (although they still charge less than English), the Hamburghers have set themselves to overcome at least part of the difficulty, by the establishment of smelting works at Hamburgh, so that the ships may always freight homeward with ore.

3493-3526.

Mr. Browning says,—

"I know that at present, in South Australia, there is a very large

accumulation of copper ore, which they have not ships enough to bring to this country, and foreign ships are not permitted to bring it here ; the consequence of which is, that at the present time there is a company at Hamburg, established in order to take advantage of the opportunity we throw in their way of refining copper ore and copper regulus."—(886.)

Smelting works forced into existence at Hamburg.

In this case, therefore, the Navigation Laws, proposing to increase British shipping, are in some sort diminishing British manufactures. Neither New South Wales, nor Australia, nor Hamburg, have the natural advantages for smelting that England has, nor have they the acquired aptness, as compared with us, there must therefore be a considerable loss on the manufacture carried on by them ; but the loss is less than from those hindrances to trade continually meeting and thwarting them, under the name of the British Navigation Laws. The copper ore must either wait until British ships are built to fetch it, or must find some other outlet than in British ships, and some other place of manufacture than England.

England can smelt best.

A like impulse to foreign manufactures is given in the case of sugar. It may not be imported from our colonies in a Dutch ship, nor may any surplus of it be brought from Hamburg, even in an English ship ; it may, however, be refined there, and then carried to England, as a Dutch manufacture, either in their ships or ours. So, again, mahogany or rosewood may be brought to France or Germany ; but no matter how overmuch they may have, nor how much we may want it, no log of it must come by any ship to England ; but, made into chairs and tables, it may be brought.

We give foreigners their raw materials cheap.

We keep out raw materials.

The same antagonism to the natural laws of trade applies to cotton, either from India or America : once at Havre or Hamburg, it must be spun or woven somewhere on the continent, though they were to have it at less than its value here, and our mills stood idle for want of it. It is the same as to American or colonial wheat ; it may not come at second shipment from any European port, unless as flour, so that it is made the interest of the foreigner to set up mills. Wheat, dried and ground in Holland, is a manufacture ; not so coffee—get as much of it

And let in manufactures.

as you will into Europe, roast it and grind it there, still it is held not to be a manufacture.

"A small quantity of coffee, roasted and ground at Hamburgh, was imported from that place in November, 1842. The parties claimed its admission to entry for home use as a manufactured article, resting their claim on the fifth section of the Navigation Act, which enacts, 'that all manufactured goods shall be deemed to be the produce of the country of which they are the manufacture.'

"In consequence of much difference of opinion at the Custom-house, London, upon the subject, the Commissioners deemed it advisable to submit the question to the Attorney and Solicitor-General.

"The following is a copy of their opinion, viz :—

"The expression in the Act (manufactured goods) is somewhat vague ; but on the whole, we think, that with reference to the third and fifth sections of the Navigation Act, coffee, the produce of Asia Africa, and America (having been roasted or ground in Europe,) is upon importation from thence into the United Kingdom, not to be admitted to entry as the produce of Europe, under the third section of the Act above mentioned.\*

(Signed) "F. POLLOCK.

"*Temple, 23rd December, 1842.*"

"W. FOLLETT."

Perhaps it was not considered worth while to urge foreigners to coffee-grinding.

The direct trade of these colonies with England also suffers. An English merchant, having trading transactions with almost all the world, says,—

Damage to  
cargoes.

"Sometimes it is a very difficult thing to get good ships at Australia, and we have been obliged to send our wool in a slow sailer, or an inferior ship, and we have had a good deal of damage done to our wool in consequence of not having first-rate ships to bring the wool.—(1152.)

High freights.

"We are frequently obliged to pay very high freights on wool, in consequence of the scarcity of ships ; it is frequently the case that, owing to the scarcity of ships in Australia, freights are very high, and we pay 1½d. a lb. and 5 per cent. primage for the wool ; we have paid that frequently. I think, by permitting foreign vessels to

\* There was a like case with respect to veneers, and the Board of Trade at that time (Mr. Deacon Hume took a leading part in the question) decided that the veneers were not manufactures, inasmuch as they were articles for future manufacture ; but since that time that decision has been reversed, and veneers are deemed to be manufactures. So that there seems to be no small difficulty in determining when a thing has been sawn, hammered, spun, ground, or roasted, enough to exalt it to the dignity of being carried in British bottoms, or any other.

bring it, we might get our wool brought home for considerably less, perhaps 1d. a lb., or rather less than that.”—(938.)

New South Wales has the same difficulty, and yet ships enough actually arrive at the colonies to bring the wool at the lower freight. New South Wales.

“There are many French vessels that come from Bourbon with sugar, and have to go to India in ballast, in search of a cargo ; these ships, if permitted, would bring our produce to England.”—(939.)

This prevention of carriage in French ships, and consequent excessive freight on wool, must do harm somewhere. If the freight is so high that the wool cannot pay it, so as to be sold at a profit in England, the colonist must either hold back the wool, or sell it at a loss. If the wool does not come, the English manufacturer has by so much a smaller supply, and a higher price. If French or German ships take it to their own countries, their manufacturers have increased supply, and, therefore, a lower price in proportion to pay for their raw material, and, to such extent, increased facilities of competition with us. If more than there is in immediate demand be carried to the continent, the tendency, as we have already shown, is to force the establishment and extension of manufactures there. Such, also, is the tendency of refusing these foreign ships direct return-cargoes from the colonies to England. There is a loss.

We have also evidence of injury, in consequence of foreign ships being prohibited from carrying between colony and colony:—

“I was at Swan river,” says a witness, “in 1842 and 1843, and there was a very great scarcity of rice. An American vessel had just discharged an assorted cargo of produce ; the captain sailed, without saying anything to the Custom-house authorities, in search of a cargo of rice ; he returned in a few weeks ; but when he got back, the Custom-house authorities said, ‘We cannot allow you to land your rice ; you come from a British colony, you must take it elsewhere.’ The rice was worth 3½d. or 4d. a pound at Swan river, and the consequence was, that the American had to sell his rice to a captain of an English vessel belonging to Sydney, to be carried on to Sydney, where that rice was not worth more than perhaps a half-penny a pound, notwithstanding that the colony of Swan river was in the greatest want of this rice. And there is a case of a vessel coming down from Bombay to Columbo in Ceylon, of the same kind.”

One colony may starve whilst its neighbour has abundance.

But this is not all. Not only is the advance of these colonies retarded by the difficulties in the way of extended emigration and export of produce, but they have to pay higher for many articles of consumption, for the supply of which they are dependent on other colonies, or on foreign countries.

Less colonial  
produce sold to  
foreigners.

"These laws also prevent a number of foreigners, who would come, if they were at liberty, to take away the produce from the colony, from coming there. If Manilla vessels were permitted to take colonial produce after discharging their cargoes of sugar, and to go to Ceylon, or any other colony, with that produce, more would come down, and they would prefer our produce; it is very likely that they might come down with the intention of taking horses to Ceylon, and they might find it more advantageous to purchase a cargo of British manufactures at Sydney, and take them on to Manilla.—(1345.)

Less of British  
manufactures.

"It might in that way be the means of increasing the consumption of British manufactures among the islands connected with Manilla. It would increase it immensely, because there is a great taste in Manilla for British manufactures, particularly Scotch gingham and the like.—(1346.)

"There is no doubt that it would increase the amount of sugar introduced into our colonies, and also increase the exportations to Manilla; even now our ships carry a good deal to Singapore for transhipment on board Spanish ships to Manilla."—(1347.)

The same witness states that,—

How to increase  
English exports.

"The liberty to foreign ships to carry from colony to colony, in those seas, would be a great benefit to English ships taking freight to them.—(1349.)

"They might depend upon a cargo being taken off from those islands to other ports, which would increase the exports from this country in a very great degree."—(1350.)

Freedom to all  
ships makes a  
colony great.

Singapore has, within a few years, increased to a great extent: the sole cause—the perfect liberty that has been given to vessels of all nations to trade there. Precisely the same result would take place in the Australian colonies if the same system were adopted, and both the mother country and the colonies would be benefited.

Some effects of our restrictive system are very evident in the smallest of all our colonies, Turk's Island, the southernmost of the Bahamas. The population is but 2500.

"The article of export is almost exclusively one, salt. Turk's Island has been the great supplier of salt to the United States, not perhaps so much on account of the extent of the manufacture, though that is considerable, as on account of its superior excellence, which is so great, that in the contracts for the army and navy stores in America, it is an express stipulation that the meat shall be put up in Turk's Island salt."—(790.)

Prevention of  
perilous conse-  
quence of trade  
in foreign ships  
to Turk's island.

"The principal articles of import are the articles of subsistence for the people. Indian corn is, perhaps, the greatest; wheat flour the next."—(721.)

No matter how small the island is, it is not the less a type of the whole principle.

"It is not the less a hardship to its inhabitants, that as the law at present exists, a large proportion of the vessels arriving at the island necessarily arrive in ballast, and cannot bring articles of which they stand in great need, namely, the produce of those very islands from which they arrive, the foreign West India Islands, molasses, sugars, spirits," &c.

"If all American ships could bring articles for consumption in Turk's Island, there would be a greater supply, and therefore the cost of the articles would be less."

There was no need to call evidence from every colony before the Committee; the mode of injury is the same in all. From our vast Eastern empire to Turk's Island, a speck scarce discoverable on the map, the same system of obstruction exists. Production and trade are harassed and discouraged, and the enterprise and energies of the colonists beset by difficulties and vexations.

But they shall speak for themselves. They have severally addressed the Government on the subject, and each puts his own grievance in the clearest light.

#### MEMORIALS FROM THE COLONIES AGAINST THE NAVIGATION LAWS.

Lord Harris, Governor of Trinidad, on the 20th of January, Trinidad. 1847, writes to Earl Grey:—

"But what I intended to ask is whether any relaxation in the terms of the Navigation Laws might be hoped for; such, as I am informed, has already been granted to the Mauritius, and which the nature of the population of this island and its position might war-

rant, so as to allow the goods of all nations to be brought here in any vessels without restrictions—it would undoubtedly promote an extensive and direct commerce between Trinidad and France and Spain, which is now much retarded and restricted by being carried on by way of Martinique and the Spanish Main. Another great advantage would accrue respecting immigration, as the freight of immigrants would be much reduced. When Coolie labour was first proposed to be introduced, American vessels could have been procured to bring them at £9. a head, whereas the present charge is nearly £18.”

Jamaica.

The Jamaica House of Assembly in a Memorial to the Queen, dated April 1847, states, that :—

“The benefit to Jamaica from such relaxation of the Navigation Laws would be infinite,—it is the most desirable boon that her inhabitants could solicit or receive from your Majesty’s Government,—it would aid Jamaica out of her difficulties—it would be hailed with exultation, and acknowledged with every sentiment of gratitude and respect—and it would be an honourable and generous concession on the part of Great Britain, which would exalt her in the esteem and admiration of all other nations. Your memorialists, therefore, humbly pray that your Majesty would be graciously pleased to declare, that the ports of your Majesty’s island of Jamaica be free ports.”

CANADA.  
Montreal Free  
Trade Association, July  
17, 1846.

The following representation from the Free Trade Association at Montreal, is worthy of attention :—

“The Association trusts that a representation of the injury to this province, arising from the restrictive character of the British Navigation Laws, is all that is requisite to induce the British ministry to cause their modification so far as respects this colony. Their baneful influence has, more especially during the present year, been felt both in our export and import trade. Such has been and is the scarcity of British vessels adapted to the conveyance of wheat and flour in the ports of Quebec and Montreal, that freight has advanced fully 50 per centum beyond the remunerating or average rate. Now, had those laws permitted, foreign vessels could have been procured in the ports of the United States at moderate rates (as is manifest from the low freights between New York and Britain), to convey the produce to its destined market. Is it not obvious that we are thus placed in a much less advantageous position than foreigners, in being taxed to support British shipping, and that that tax offers great encouragement to the western producer to send his goods via the United States rather than by the route of the St. Lawrence ?



Thus this colony is labouring at the same time under the twofold inconvenience of removal of protection and prohibition of free trade.

"The like evil is severely felt in the import trade of the province, and is exemplified in the article of muscovado sugar, of which our supplies are now principally derived from the Spanish islands. The Navigation Laws, on which we now animadvert, prevent our importing foreign commodities in any but British ships or ships of the country where the goods are produced. Now, Spain has little shipping, and none suitable for the trade with America, and there are no British vessels to be met with in the Spanish islands. The importer of a cargo of sugar to this province, is thus compelled to charter a British vessel from some distant port to proceed in ballast to convey the cargo, for which he pays a freight of, say, 4s. per cwt., or fully 25 per cent. on the prime cost of the article, whilst there are fleets of American vessels on the spot, which would convey it at one-half that rate. Can he, then, drawing his supplies of sugar in this circuitous and expensive method, compete in the western market with the merchant of the United States? Obviously he cannot; nor need it be matter of surprise that the trade, which under a free system would flow through the St. Lawrence, is thus diverted to other channels.

"The article of sugar is a pregnant illustration of the injurious effects of the Navigation Laws on our import trade; but the remarks applicable to it apply also, to a certain extent, to every other article of foreign production."

Also the Board of Trade of Montreal, in a Memorial to the Queen, dated August 26th, 1846, after entering at length into the various restrictions imposed by differential duties upon their home and foreign trade, conclude—

"In the opinion of your memorialists, a more formidable restriction, however, than the differential duties alluded to, and one which entails incalculably greater injury on the trade of this colony, it is now their duty to bring respectfully under the notice of Your Most Gracious Majesty. It is a question they approach with some hesitation, knowing the high national interests which it is held to involve, but the vital interests of this colony require that it should be brought fully under Your Majesty's notice; and your memorialists rely with full confidence on its being carefully and dispassionately reviewed. They refer to the question of the Navigation Laws. These laws are so framed as virtually to give an absolute monopoly of the carrying trade of Canada, both internal and external to the British shipowner, as the following extracts will show :—

"1st, Goods, the produce of Asia, Africa or America, shall not be imported into the United Kingdom, to be used therein, in

Montreal Board  
of Trade Memo-  
rial to the  
Queen, July  
17, 1846.

foreign ships, unless they be ships belonging to the country of which the goods are the produce, and from which they are imported.

"2nd, No goods shall be exported from the United Kingdom to any British possession in America, except in British ships.

"3rd, No goods shall be carried from any British possession, to any other British possession, nor from one part of any such possession, to any other part of the same, except in British ships.

"4th, No goods shall be imported into any British possession in foreign ships, unless such belong to the country of which the goods are the produce, and from which they are imported.

"Why should Canada be thus limited to the use of British vessels? *What equivalent in trade does England now afford to compensate her for such injurious restrictions?* None, absolutely none.

Toronto Board  
of Trade,  
September,  
1846.

"The Petition of the Toronto Board of Trade.

"MOST HUMBLY SHEWETH,

"That by the provisions of the Navigation Laws of Your Majesty's kingdom, the carrying trade of the exports and imports of Canada to and from Great Britain and Ireland, or any British possession in Asia, Africa or America is confined to British Ships; in consequence of which restriction, serious loss and inconvenience are at present imposed upon the inhabitants of this province. \* \* \*

"Your petitioners most humbly submit, that during the past months of the present shipping season, the position of the holders of flour and wheat in the port of Montreal, has been most distressing. Large quantities of produce were forwarded to that city from the interior, where it had been purchased during the preceding winter, at prices seriously enhanced by the exaggerated reports which reached Canada of the scarcity of bread-stuffs throughout Europe. On arrival, it was found impossible to obtain shipment for it at less than 6s. sterling per barrel. The holders were threatened with insolvency, alike from its shipment or retention, and perceiving most distinctly that the chief cause of their difficulties was to be found in the present Navigation Laws of Your Majesty's Kingdom, a feeling of deep dissatisfaction therewith has arisen in the minds of Your Majesty's Canadian subjects."

So that at Montreal there were stored up bread stuffs in abundance, on the opposite shores of Ireland there was scarcity and famine, and even death from hunger. The merchants of the colony ruined—the people of the mother-country starved. Ships at hand to convey the grain, but they were built on the wrong side of the St. Lawrence—the ban of the Navigation Laws was upon them.

A second Memorial of the Montreal Board of Trade, in March of the present year,

"HUMBLY SHOWETH,

"That the laws which press most injuriously upon the energies of the inhabitants of this province, restricting the freedom of their commerce, discouraging that spirit of industry and enterprize which ought to be fostered and promoted, and, in short, depressing the general welfare by retarding the development of the varied resources of the province, are, *First, The British Navigation Laws* ; Secondly, *The Imperial Differential Duties* ; Thirdly, *The Duties levied on Agricultural Produce* ; and Lastly, *The Restrictions maintained against Foreign Vessels navigating the St. Lawrence.*

Montreal Board  
of Trade,  
March 15,  
1847.

"The first and last mentioned of the above restrictions, your memorialists are aware, are not under the control of the Provincial Legislature ; but they nevertheless think it necessary to draw your Excellency's attention to their injurious effects upon our commerce and general welfare, in the hope that your Excellency will take such steps as may be necessary to bring them under the notice of the Imperial authorities, as well as to urge the paramount necessity which exists of their being promptly modified to such an extent, *as will leave the people free to employ the cheapest vessels they can procure, whether they be British or foreign, and the inhabitants of Montreal in particular, the power to avail themselves of the advantages to be derived from an unfettered intercourse with foreign nations* ; without which concessions, your memorialists despair of being able to maintain a successful competition with their neighbours of the United States, for the extensive and growing trade of the Western regions of America."

"The Petition of the Merchants, Planters, Landholders,  
and other Inhabitants of the Island of Ceylon.

"RESPECTFULLY SHOWETH,—

\* \* \* \* \*

"That all foreign commodities are subject to double the import duty levied upon British goods, a restriction which militates against foreign nations attempting to trade here to the extent they otherwise would do, and keeps away customers for the various products of the island, the staples of which are coffee, cinnamon, and cocoa-nut oil, all largely consumed on the Continent of Europe.

Ceylon.  
(No. 10.)

"That in many instances foreign vessels are precluded from landing cargo at the ports of this island, though the cargo be the produce of the country to which such vessels belong. Thus, French and Spanish vessels are prohibited from sending wines, spirits, and other unenumerated articles, the produce and manufacture of France and Spain ; no such restrictions exist in the neighbouring territories of

the Honourable East India Company, and they are consequently felt more severely here.

"That the staple food of the labourers of the coffee, sugar, and cinnamon plantations is rice, imported chiefly from the territories of the Honourable East India Company. This trade is restricted to vessels holding a British, or a British India Register. In the opinion of your petitioners, the supply would be more abundant, and the price cheaper to the consumers, if the trade were thrown open to the vessels of all nations."

And lastly, a Memorial to Earl Grey from those interested in the rich and important copper mines of Australia, after a full statement of the injury done the Colony by the Navigation Laws, says :—

Australian  
Memorial.

"It hardly appears consistent with the facilities required by a rising colony, that where there is such a demand for dead freights, and fine vessels like those from Bremen (of 600 tons burthen each), taking out to the colony that particular class of emigrants for whose labour there is so great a demand, should be obliged to leave the port of Adelaide without freights, at a time when there is abundance of ores lying ready for shipment, *because those ores are prohibited if imported in other than British bottoms.*"

It is clear, then, that in the colonies the Navigation Laws are an actual grievance and a source of discontent. The Canadian legislature closed its last session with an earnest remonstrance to the Imperial Government against their oppression and injustice.

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#### EFFECT OF THE NAVIGATION LAWS UPON GENERAL TRADE.

Europe, Asia,  
Africa, America.

We have stated, in the preceding chapters, the case of colonial restriction, and quoted such evidence as may serve to indicate some of its mischievous results.

The restrictions which we have yet to consider, are those on the general commerce with Europe, and the non-colonial trade with Asia, Africa, and America.

Omitting the exceptions which will be found in the chapter on "The Law as it is," and keeping in mind that the manufac-

tures of any country are held to be its produce, no matter from whence the raw material used in their construction originally came; they are as follows:—

What goods British and foreign ships may or may not carry.

In the European trade, British ships can carry to the United Kingdom European produce only.

European ships, each only the produce of its own country, from ports not its own; and other European produce, only from its own ports.

A British ship, therefore, cannot bring ivory, tea, cotton, sugar (not refined) spices, &c., from Europe to England; nor can any European ship, because they are not the produce of Europe.

Russian ships may not carry the wines or silks of France to England, from a French port; but they may carry the hemp and tallow, which are the produce of Russia, from a French port, or the wines and silks of France from a Russian port; and France may carry Russian hemp from French ports, or French silks from Russian ports, and the like rule is applicable to all the countries and goods of Europe.

Goods of Asia, Africa, and America, can be imported into England in British ships from all places not in Europe; \* in foreign bottoms, they can be imported only from the country of their production, and by the ships of that particular country.

Thus, the produce of Asia must be brought in Asiatic ships only, from a port in Asia and from the country in Asia of which they are the produce, and to which the ships belong. The produce of Africa in African ships only, from a port in Africa, and from the kingdom in Africa to which the ships belong. The produce of the United States, in ships only of the United States. The produce of the various countries in South America, only in the ships, and from the ports of such country.

\* Certain goods, the produce of Asia, and Africa, may be imported from within the Straits of Gibraltar. See chapter on "The Law as it is."

But, as in the year ending January, 1847, only six ships of America, Asia, and Africa, (not including the United States), entered inwards, and only three cleared outwards; British ships may be considered virtually to have the monopoly of the trade with those countries.

Interests of  
consumers sa-  
crificed

By how much the attempt to retain the whole carriage for our own ships is successful, by so much is the course of trade obstructed, and the interchange of commodities prevented, throughout the world. This is admitted even by the Central Committee for upholding the principles of the Navigation Laws. Mr. Young says:—

“The unavoidable tendency of all restrictions upon commerce, is to occasion some practical inconvenience.”—(5219.)

And, also, before the Committee of 1844, on British shipping:—

“It would appear indisputable that the interests of the consumers are, to a certain degree, sacrificed.”

Notwithstanding the nice calculations that have been made as to how much shipping gains, and how little the public loses, we object altogether to the “sacrifice of the interests of consumers,” and “the practical inconvenience to trade.”

The powers and  
greatness of  
trade.

Let any man take item by item, the produce and manufacture of each country, and follow them through all the wide and complicated interchanges of raw material, and partial and complete manufacture. Let him make note what vast resources, even within man's knowledge now, at home and abroad, in every climate, in the rivers and in the seas, on the cultivable surface and in the deep mines of the discovered earth, lie waste, or but partially developed; what millions of people are in daily traffic with us, what millions are yet to be supplied; let him consider what has been accomplished within the last few years; what miracles have been done by railroads, and steam vessels and machinery; let him reflect how fast civilization is extending, and how everywhere it creates new wants and fresh markets, and he cannot fail to ac-

knowledge that an incalculable amount yet remains for British invention, enterprise, men, machinery and ships, to do.

And if he look at the evidence in these pages, giving examples of trade diminished, destroyed, and kept out of existence, the full free passage of the sea from port to port prevented, vessels obliged to sail half round the globe in ballast, or but half laden, or to lay up in harbour idle, when there are goods for them to carry, and people in urgent want of those very goods, he will not think lightly of the whole amount of difficulties caused, and trade thrown away by the Navigation Laws. The extent of the injury inflicted by them on the commerce of this country is beyond calculation. No session, no half dozen sessions of Parliament, would suffice to bring before a Committee examples of all the evils daily felt by merchants ; nor can they themselves tell how far their operations have been contracted by the imprisonment of their calculations within the arbitrary circle which the maritime code defines.

This is the view taken by Mr. Porter, Secretary of the Board of Trade. He says,—

“I have no doubt myself for a moment of the mischief of the Navigation Laws in impeding trade ; but that mischief is, in my opinion, more real than it is apparent : merchants have been accustomed to carry on all their transactions under a certain code of laws ; they have shaped their course accordingly, and they have never thought of doing anything which they knew was illegal ; they are, therefore, quite unaware of the advantages that would follow from doing away with restrictions which have confined them in their operations.”

The Navigation Laws do more harm than can be seen.

A Collector of Customs in the port of London (Mr. Braysher) says,—

“The state of the law is so well known to the mercantile interest in general, that no written complaints come before the Board of Customs on the subject, or they come very rarely ; but verbal complaints are of constant occurrence.”—(2366.)

Mr. Berger, a South American merchant, states that

“There is at the present moment a considerable amount of business positively annihilated, which cannot be carried on, on account of the Navigation Laws.”

The limits of this work will not allow us to do more than show the manner of the mischief ; from it the reader may judge how widely it is spread.

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GOODS OF ASIA, AFRICA, AND AMERICA, LAW BOUND IN  
EUROPE.

Trade with  
Batavia.

Mr. John Brooks of Manchester, a retired merchant and manufacturer, who carried on trade with thirty or forty places abroad, and who, for many years, had from one hundred and fifty to two hundred thousand pounds employed in the foreign trade, had, for upwards of twenty years, traded with Batavia, the chief port of the Dutch East Indies, having there from twenty to twenty-five thousand pounds. The goods he sent out were manufactured piece goods, prints, dresses, and various other articles, forming assorted cargoes. He says,—

Sugar and good  
profit.

"I had few articles that I could bring home before the alteration of the sugar duty, but the moment that alteration took place, so that free-labour sugar could come into this country, I wrote to Batavia, desiring them to send sugar as payment for my goods. On the 31st of October, 1845, I had sugar on board the *Christna*, *British ship*, which cost me £4077. 15s. ; that sugar was brought to England, and I sold it in London, on April 11, 1846, for £4878. 19s. 2d. I got a profit on that sugar of £801. 4s. 2d., or 19 per cent. ; that was a new trade. Then on November 6, 1845, by the same ship, I had another lot of sugar which cost me £1167. 7s. 2d., and I sold that on March 31, 1846, in London, for £1422. 18s. I got a profit of £255. 10s. 10d., or 21½ per cent. ; that is still a little better."—(2177.)

More purchases.

So far it was a right good trade, and one that promised well. There was no risk as to finding a market for the sugar in England, so there were fresh orders sent out to buy. But the screw was on. The sugar could only be brought to England in British or Dutch ships ; neither were to be had, so, instead of sugar, there came letters.

"31st December, 1845.

Freights up.

"We have been unable to provide tonnage for your sugar as yet, as ships continue very scarce. We offered £5. per ton to London for a vessel a few days since, but another party offered the same freight for a more suitable cargo (rice,) we therefore missed the



vessel. We shall reluctantly pay a freight of £5. per ton, but as ships continue so scarce, we fear we must give at last that rate."

"27th January, 1846.

"We regret that tonnage has continued so scarce, that we have not been able to get the sugar in question away yet. We could have shipped 1000 peculs a few days since to Rotterdam, at £6. per ton. The rate we considered too high, and as we have information that a considerable number of ships will arrive within the next month or six weeks, we deemed it best to wait till freights are lower."—(2197.)

Tonnage scarce.

Again—

"28th February, 1846.

"We have been so completely without ships that we have not yet been able to get the remainder of your sugar away, and as we see no prospect of procuring either English or Dutch tonnage at present, we have arranged to ship 3000 peculs per *Radius*, an American vessel, at £5. per ton for Amsterdam."—(2198.)

Neither English nor Dutch ships.

The end of it was, that—

"As there was no British vessel to be had there, Mr. Brooks was obliged to send the sugar from Batavia to Amsterdam by an American vessel. That sugar was bought in November, 1845, and it lay in Batavia until March 10, 1846, and at last his correspondent met with an American ship, and it was shipped to Amsterdam."—(2177.)

The sugar to Amsterdam by American ships.

From thence, being a production of Asia, it could not be brought to England in any ship.

It cannot be brought from thence to England.

"That sugar cost £3793. 7s. 8d., and was sold last November at Amsterdam for only £3012. 7s. 11d., thereby we lost £780. 19s. 9d., besides seven months' time; the loss was 20 per cent. That sugar was lying in Batavia when the *Christna* left, and if he could then have shipped that sugar to London, it would have brought him £1561. 10s. 6d. more than it actually brought. He had a loss of £780. 19s. 9d., whereas he would in that case have had a profit which would have made £1561. 10s. 6d. more money, making a difference of 41 per cent."—(2177.)

The merchant's loss.

This loss put an end to the attempt to import Batavian sugar in payment for British goods. Cargoes of sugar were not at all seasons certain to be had, so for the goods sent out afterwards, Mr. Brooks says,—

2187.

The trade abandoned.

"I have been obliged to have bills, there being no certainty as regards produce; and I have had bills since that time to the amount of £5464. 14s. 5d., and yesterday I had a letter in which I had sent

£1500. more; that makes £7000. in bills, which I might have brought in sugar, provided I had had the chance of sending it here.

Bills instead of  
sugar.

"If you had an opportunity of sending to England by any ships coming to Europe, you would direct your agent to invest all the money received in payment for your goods there in produce, instead of in bills, provided it could be imported direct into England?—Yes, all this £7000. would have been sugar if I could have sent it instead of bills.—(2200.)

"The £7000. which you received in bills, would have been received in Batavian produce, if it could have been imported here?—Yes.—(2201.)

No trade instead  
of great trade.

"The Navigation Law prevents that taking place, and consequently annihilates the trade between Batavia and this country to that extent?—It has done so with us.—(2202.)

"It takes away the advantage of obtaining a homeward cargo and more speedy delivery?—Yes.—(2203.)

"And in that way you consider the Navigation Law is an injury to you and to the general commerce of the country?—Yes.—(2204.)

"If the Navigation Laws were repealed, and any flag could bring any quantity of any kind of produce from Batavia to this country at any time, would not your general orders be, 'Buy produce, and ship it by the first ship that comes to Europe direct from London?'—No, doubt."—(2205.)

There could be no plainer case, no simpler evidence against the Navigation Laws. Up to 1844, the tariff kept out Batavian sugar. The tariff of 1844 admitted it, but the Navigation Law was ready with its difficulties, and just as effectually shut the sugar out as the high differential duty had previously done. There was no benefit to any British ship, for there were none at Batavia; it was not worth while to send them out specially for the sugar, so it was sent to Amsterdam by an American ship.

There the Navigation Law was in wait for it; not even an English ship could be allowed to bring it, for it was the produce of Asia, to England.

The sugar was sold at a loss, the Hollander had the advantage,—our merchants sufficient warning not again to attempt the import of Batavian sugar—and our ships a loss, from there being fewer of our manufactures to be sent to Batavia. The trade was strangled in its birth, so we cannot say how great it might have become.

The Canary Islands, although they belong to Spain, and send representatives to the Spanish Cortes, are, for the purposes of the Navigation Law, held to be in Africa. Within the last seven or eight years, it has been found that the finest cochineal feeds on the cactus cultivated in those islands. It is a very valuable dye, and is used largely in the manufactures of this country, and by our competitors abroad. It is of late years only that the cultivation of cochineal in the Canary Islands has been carried on to a very great extent: last year the product was upwards of 2000 serons, or bags.

Geography of  
the Navigation  
Laws.

Canaries Africa.

Export cochi-  
neal.

Mr. George Houghton, an English merchant, having a branch of his establishment at the Canaries, where he was long a resident, states that,—

"In consequence of the cessation of the barilla trade in this country, from the duties, and the fresh discoveries of mineral substances which have superseded it, we have now but few English vessels that come direct from the Canary Islands to England, and the consequence is, that the cochineal is obliged to be shipped, and is regularly shipped once a month to Cadiz, and from Cadiz it has generally gone to Marseilles. Latterly, he has endeavoured to bring it to England. Some that he brought was seized last year; and strong representations were made to the Board of Trade and the Treasury of the injurious consequences of the Navigation Law, but all in vain; having once been landed in Europe, it could not come to England as being the produce of Africa, except for exportation. He stated the facts, that the Canary Islands sent members to the Cortes as well as the Senate, and that they were virtually and intrinsically part of Spain; and that the traffic between Spain and the Canary Islands was just like our trade between England and Ireland; that it was, in fact, a coasting trade; but the rigid expressions of the law were too strong for him, and he was not allowed to bring it here, and the consequence is, that it now goes almost entirely to France. They do not in France make the same objection to its being brought there; provided it goes from Cadiz to France in a French vessel they will admit it, and as it is the natural consequence that to the port from which you have your imports you will send your exports, the effect has been very much to increase the export trade from France to the Canary Islands."—(3567, 3568.)

Few English  
ships to the  
Canaries.

Cochineal is sent  
to Cadiz.

Cannot be  
brought from  
thence to Eng-  
land.

Is sent to  
France.

But the trade is not the only advantage forced on France by the fanciful geography of the Navigation Laws.

"Cochineal is of the first importance in manufactures next to

French manufacturers get the best cochineal.

indigo, and this prevention of the importation from Europe into Great Britain gives a very great advantage to French and other foreign manufacturers, over English manufacturers; for the cochineal of the Canary Islands is of a very superior quality."—(3603, 3604.)

Mr. Goschen, also, an English merchant trading to those Islands, explains how it is that there are not English ships at the Canaries sufficient to bring the cochineal. We import it largely, but by no means to the extent we could do but for the Navigation Laws.

"Spanish vessels now are allowed to take goods at half the duties of English vessels, and the consequence is, that very few English vessels take goods out at all; scarcely any; and very few Spanish vessels come back here direct, because the cochineal being so valuable, and occupying so small a space, it would not yield a large freight. Spanish vessels therefore come here solely for the purpose of taking goods out, and we pay them a freight of 50s. or 60s. a ton, when, if the law were altered, we could get freights for 5s. or 7s."—(3583.)

"The trade in cochineal has very considerably increased of late years. There was at least 1000 or 1500 serons sent last year to Marseilles; and one person planted 500,000 fresh cacti, in the Canary Islands, for the purpose of the trade. Perhaps it is the most increasing trade of any in the world."

Twenty years ago, when cochineal was the rare product of a few places, it enjoyed a special exemption from the Navigation Laws. Its more general production brought about the withdrawal of the exemption. All applications for relief, as to import direct from the Canaries or indirect from Cadiz, have been refused. Mr. Goschen says—

Plenty of British vessels at Cadiz.

"There are always plenty of British vessels at Cadiz, bringing wine to England. Those English vessels, if the law did not prevent it, would bring cochineal from Cadiz to England very largely.—(3628 to 3630.)

"We should be willing to pay the freight first to Cadiz, and then the freight from Cadiz to England, if we were permitted to bring it from Cadiz.—(3596.)

They must not bring the cochineal.

"*This year I am a very great sufferer, for I have 300 or 400 bags of cochineal, which I am obliged to sell for exportation only; and I can sell it for 4d. or 6d. a pound more for home consumption than for exportation.*"—(3575.)

The dye of various articles of manufacture was more costly or inferior because of the want of cochineal. The cochineal was in England owned by a British merchant—brought in a British ship. The crane was hanging over it in the dock, ready to lift it into the waggon ; thence to be conveyed with lightning speed by railroad to the factory ; the perfection of machinery was waiting to be set in motion so soon as the thread should have received the beautiful scarlet dye ; but there was a custom-house officer between all, armed with the Navigation Law, to force the cochineal to sea again, to seek some foreign port, where it might be sold 4d. or 6d. a pound cheaper than in England, to the certain advantage of the foreign manufacturer, and the injury of our own.

Our manufactures suffer.

We leave it to the Central Committee of Shipowners for upholding the principles of the Navigation Laws, to point out what freight or profit comes to British ships from this strange legislation as to the Canary Islands. The French and Americans supply them goods ; many of which would else be sent from this country. We are kept on short supply of an article of importance in many of our manufactures ; and there is not even the plea of the long voyage to set up ; for the distance from Cadiz, and the Canaries, to England is about the same.

Trade suffers.

The produce of Madeira is in precisely the same predicament as that of the Canary Islands.

Madeira is Africa.

The following letter, addressed to a member of the Select Committee on the Navigation Laws, from a merchant trading with Portugal, forcibly puts the case :—

*" 11th February, 1847.*

" SIR,

" The following most absurd instance of the operation of the Navigation Laws, may, perhaps, interest you.

" In the early part of 1842, I was in Lisbon, and there bought thirty pipes of Madeira wine, which I shipped in a British vessel to Liverpool. Arrived there, I entered it to be bonded for duty ; showed the samples to almost every house in the trade ; and, finally, sold it to a profit.

" The very next day, I received intimation from the Custom-house that the wines were forfeited to the Crown, for having been imported

British ships  
may not bring  
the wine from  
Lisbon.

in violation of the Navigation Laws. On inquiry, I found that the island of Madeira is, by these same laws, held to be part of Africa ; and that the produce of one quarter of the globe cannot be imported from any other quarter of the globe. With much difficulty, I at last succeeded in getting my wine restored to me, on condition that it should be re-imported, which accordingly was done, at a heavy loss.

"Can any law be more stupid than this ? Remember, that Madeira belongs to Portugal, and that it was from Portugal that I shipped the wine to England ; that the duty on all foreign wine is the same ; and that, therefore, no loss could happen to the revenue by the indirect route in which the wine reached this country. Such a law is nothing better than a trap. No merchant can be expected to have the whole code ever present to his memory ; it is surely sufficient, that his general dealings be fair, and above-board ; and that being the case, it is barbarous that he should be exposed to loss from vagaries of legislation, like that to which my interests were sacrificed in the case which I have mentioned.

"I am, Sir,

"Your most obedient Servant,

"F. W. SELLERS."

If we had not the preamble of the Act before us, but simply this prohibition as to goods from Europe, we might believe that the Navigation Law was intended to confine our commerce and manufactures within prescribed limits, and to that object wilfully sacrificed the shipowners. We give some further instances of the injuries done them.

"British vessels cannot bring goods from France which are not the produce of Europe, except from ports within the Straits of Gibraltar. Bourdeaux and Marseilles have the exclusive trade of Senegambia ; there is a large produce of gum brought from the Senegal, of which a great proportion is consumed in this country ; this gum is brought to Bourdeaux and Marseilles in vessels owned there, built expressly for the trade.

Gum Senegal  
must not be  
brought from  
Marseilles to  
England.

"Gum Senegal cannot be done without by the manufacturers of this country ; they must have it, and occasionally the price of that article rises to a very great height : the season for bringing those supplies direct may not have arrived, there may be a surplus supply at Bourdeaux, but it cannot be brought over here direct ; the goods cannot be taken from Bourdeaux to this country by a British vessel.

Our ships are  
ready.

"There are British vessels by which we could, if it were not for the clause in the Navigation Law, send it here, or to Liverpool ; but the trade is now lost to the British, whereas if the restriction were removed, those goods would be brought here in the same way as the imports from Bourdeaux come over."—(1535, 1607.)

But it may be said, that there is very little of such gum to be brought ; no very great consumption of it ; no very important loss to our ships if they do not carry it. Granted, the whole weight is not much, though it is largely used by calico printers. It is a little instance, but points out the direction of a great injury. Goods of Asia, Africa, and America, are brought to Europe, and are frequently, from various causes, more abundant there than with us. We want them, and at the very same port with the goods have ships waiting for cargoes, but they must not carry those especial products ; they are from Asia, Africa, or America, they might just complete the ship's lading, fill up the space left by some heavier cargo, and make the difference between a profitable and unprofitable voyage ; but they have come from too great a distance, they must rest in Europe, and the ship must wait. To the owner of the ship, what matter is it how the goods got to Europe ; his interest clearly is, to carry them on to England. Our intances, however, are by no means confined to the above articles.

Cargoes refused.

"There is a large trade at Bourdeaux in dye-woods with the East Indies and the west coast of Africa, and there is also a large trade with the South American Colonies. Anatto is a dye stuff which is very extensively used by our manufacturers ; and spices and cloves and indigo, those goods cannot come to England for home consumption even in British vessels ; the consequence is, that even when the English market is bare, the consumer must either go without them or pay an extraordinary price for the articles.—(1535.)

African dye-woods must not be brought from Bourdeaux.

"Hamburgh is precisely in the same position ; it does a very large and an increasing trade, particularly with the East Indies ; the number of ships going out from Hamburgh to Singapore is increasing every year, the return cargoes being of course entirely limited to the articles in the Singapore or other markets. Now London is the great market for all those things, and it has frequently occurred within the last few years that goods, the produce of our East India possessions, of Singapore, and of the Brazils, have had to be sent from Hamburgh here ; but they could not be sold here for home use, they could only be brought here for exportation."—(1539.)

Our East Indian produce from Hamburgh.

FORCED VOYAGES, HIGH PRICES, AND UNREASONABLE FREIGHTS,  
AND PREMIUM TO FOREIGN MANUFACTURES.

A natural consequence of this injury to our ships in the European trade is that we have to pay a higher price for many articles than they are to be had for on the continent.

**Nitrate of Soda.** "Nitrate of soda is an article of South American produce which is imported into Hamburg, and it is an increasing trade. In 1844, the importations were about 21,000 cwt.; in 1845, about 50,000 cwt.; in 1846, about 82,000 cwt. The price at this moment is rather higher in Hamburg than it has been in the last two years, in consequence of there having been some speculation, but it varies from 12s. to 12s. 9½d. a cwt.; and in London it varies from 14s. to 18s., and has done so for some time. The cheapness of that article in Hamburg, as compared with the price in England, arises from the impossibility of English competition. Parties having only the opportunity of selling it there, are compelled to sell it on the best terms that the foreigners offer for it, because they have not the British market to resort to. It cannot be brought from Hamburg to England, being the produce of America."—*Mr. Swaine.*—(3072 to 3076.)

The nitrate of soda is valuable as a manure, and is largely consumed here in various manufactures. Its average price here, from 2s. to 6s. the hundred-weight dearer than at Hamburg, is proof that they are better supplied in proportion to their want of it than we are; and that if there were no Navigation Law, a large quantity would come from them to us; but there is the law, and so ships must do without the freight, and farmers and manufacturers both have to meet Germans in competition without the nitrate of soda.

There is scarcely a raw material with respect to which we are not similarly circumstanced.

**South American wool.** "Sheep's wool from South America is an article which has been imported direct, and sold to some considerable extent in Germany.

"I myself bought about 800 cwt. last month in Hamburg, at a price equivalent to 6d. and a fraction under a farthing the British lb.; and the same article is worth at the present moment in England between 7½d. and 8d. the pound. It is a trade which is increasing considerably in Germany. In 1841, the importations into Hamburg



were 385 bales ; in 1842, they were 484 ; in 1843, 520 ; in 1844, 548 ; in 1845, 5146 ; and in 1846, 8938 bales."

Merchants are often obliged to send goods from Europe, for which there is immediate need in England, half round the world. Mr. Swaine, the witness from whom we quote says :—

" I think it was towards the end of the year 1844, that a large parcel of Alpaca wool, which had arrived direct from Peru, was exposed for sale in Hamburgh. I purchased it ; and being at that time unacquainted with the entire operation of the Navigation Laws, I shipped it in a British ship to Hull, but it was seized on its arrival there as being in contravention of the Navigation Laws. I happened to be in London immediately afterwards, and I memorialized the Lords of the Treasury upon the subject, and the Lords of the Treasury ordered the wool to be delivered over to me for re-exportation ; but I could not obtain their Lordships' permission to send that wool for home use into Yorkshire. *That parcel of wool was subsequently shipped from Hull to New York, landed there, and re-exported from New York to Liverpool, and it was eventually transmitted from Liverpool into the manufacturing districts, where, however, it arrived at a season a good deal too late for the purposes for which it had been intended. Since that period no person has been disposed to compete for that description of wool at Hamburgh for the British market, and the German manufacturers therefore have a considerable advantage in consequence of the absence of English competition for it.*—(3059 to 3061.)

The four voyages of some Alpaca.

Peru to Hamburgh.

Hamburgh to England.

England to New York.

Back to England.

Late for market.

The cost of sending that parcel of wool to New York and back was from 1½d. to 2d. per lb., being from 7½ to 10 per cent. That freight was just so much thrown away. The wool was at Hamburgh—a brisk demand for it in England—a couple of days would have brought it over—the machinery in Bradford and Halifax was waiting for it ; but none the less it must, because it had come to Hamburgh from South America, be sent to North America, and again recross the Atlantic, having in its voyages found no other market than England. It would have been a gain to the merchant had he been permitted to land the wool at once, and send the ship to New York and back again in ballast. *Ex uno disce omnes* : Our manufacturers are constant losers, as well as our ship-owners, by the prohibition. Mr. Swaine says :—

" It would have been a very advantageous commercial operation

to have brought in wool to England if the Navigation Laws had not forbidden its entry here.—(3202.)

Germany has  
wool cheaper  
than Yorkshire.

"The German manufacturer is purchasing that article now at a less price than the manufacturers can purchase it in Gloucestershire and Yorkshire, and the consequence must be, that the German manufacturer can afford to sell his cloth at a less price than the English.—(3202—3205.)

Loss to British  
ships.

"Preventing such wool from being brought even in British ships, or in fact preventing it being brought altogether from Hamburgh to England, but permitting the manufactured article from such wool to be brought here, is giving a premium to foreign manufacturers."—(3191.)

Premium to  
foreign manu-  
facturers

Our manufac-  
turers have to  
compete.

Our manufacturer has to sell his stuffs beside the German in the American market, and in his own market, and has therefore a right to require that there be no hindrance set up to his procuring the wool of which they are made on equal terms. Frequently the case is more absurd than we have yet described: the goods are, in England, actually warehoused at London or Liverpool—a higher price to be had for them there than any where else, but they must not be sold in England; they came in a ship that could only bring them to be sent away again, and away they must go, no matter how urgent the need for them here, nor how much less they be worth elsewhere. In a preceding page we have given an instance of this in respect to cochineal; Mr. Goschen shows that it has happened with sugar, brought to England in American vessels from Porto Rico.

Goods sent away  
from the best  
market.

Sugar dearer in  
England than  
elsewhere.

"Can you state an instance which has already occurred within your knowledge on that point, in which sugar has arrived here for exportation, or for home consumption, where there has been a difference in the price?—Decidedly; it has been the case in muscovadoes from Porto Rico. For home consumption, the last sale was made at 47s. 6d., (but that is very low); you now pay from 50s. to 55s.; that, at 21s. duty, leaves 29s. to 34s.; and the same quality of muscovadoes brought here for export, or when it must be refined in bond, fetches 24s. 6d. This is the quality where the difference is the largest; but upon yellow Havannah sugar the markets abroad have risen very much indeed latterly: still there is a difference, I should say about 1s. or 2s. a hundredweight.—(1719.)

Porto Rico  
sugar in wrong  
ships.

"It is simply on account of its having arrived in ships which are prohibited by the Navigation Laws that that cheap sugar cannot be sold for consumption in this country?—Precisely.—(1720.)

Neither the prohibition to any other than British ships to import the sugars of Cuba for consumption into England, nor the interdict upon their transport by our own and all other vessels from Europe has given the direct carriage of them to us.

"Taking the case of Cuba sugar, the trade has been generally carried on in this way: an American, Hanseatic, or English vessel has been chartered, and the sugars have been sent from Cuba to Cowes, and a market: that means, that the ship calls at Cowes, and at Cowes it learns where it is to go to. The merchant then calculates, looking to the price, whether it will answer better to send it to Antwerp or Holland, or to bring it here in an English vessel, and accordingly gives his orders. Now, this trade has been carried on infinitely more in American vessels than in English vessels; we have had very few English vessels in this trade, whilst there have been a great many American vessels.

How the sugar trade is carried on.

"If the Navigation Laws were removed, there would be infinitely more sugar landed here. I have no doubt upon that, because we have here an enormous market, which will perhaps consume 300,000 tons of sugar, and I, as a merchant, have a greater opportunity of disposing of my sugar here; I can make a sale here when I can make none in other markets, and it is naturally to be supposed that I have a chance of an improved market. A merchant, of course, likes to sell his goods in that market where he has the best chance of selling them, and selling them at the highest price."—(1721—4.)

Less laws more sugar.

But this is not all: what goods our ships bring from Asia, Africa, or America, direct, have to pay unfairly high freights, which may perhaps compensate some shipowners for the loss of the carriage from Europe; but neither the manufacturer nor consumer have any such compensation. They have a double difficulty to contend against,—increased price, because certain goods must not be brought indirect from Europe, and a further increase, because our ships have the whole carriage of them direct from the places of production.

Unreasonable freights.

Mr. Goschen, quoting the last freight from Havannah, says:—

"There is a difference of £1. a ton between English and other vessels. This very day I have received accounts of vessels taken up; and the English vessels are at £4. a ton, and the foreign vessels at £3. and £3. 2s. 6d. for all the general markets, except England. I have no doubt the difference of freight is wholly owing to the operation of the Navigation Law, at present; it cannot be owing to

Difference £1. a ton.

any other circumstance. If the Navigation Laws are continued, that difference of freight will continue likewise. I have no doubt that the permanent difference would be twenty shillings a ton. I think it is more than likely, when I see how many persons whom we never heard of before, in all ports of England, even in the outports, are chartering vessels, not only from Liverpool, but from Sunderland and Belfast, and a small port like Plymouth; and sending them out, in order to bring the sugar home to their own doors."—(1756-61.)

It is the same as to cotton : high as the price has been, and much as it has been needed here, it has had the Navigation tax to pay.

Navigation tax  
on cotton.

"During the present season, when freights are very high between the United States and Great Britain, would greater facilities have been given to the importation of cotton to this country, if the restrictions imposed by the Navigation Law had not existed?—I should say so, distinctly; we pay now 1d. a pound freight from New Orleans, and 1½d. was even asked. If cotton could have come in foreign vessels, it would have created a little diversion, and it would not have enabled the American and British ships to ask the same high freights."—(1810.)

#### ASIA, AFRICA, AMERICA, THE UNITED STATES, AND SO FORTH.

Turn to whatever quarter of the world we may, we find the Navigation Laws at war with trade. From Europe certain goods may not be brought to us at all; from the native countries of those goods they are brought at exorbitant freights.

From the United States, the produce of Asia, Africa, and South America, may, by the law, come to us only in British ships; and as a result of that very law, there are few or no British ships to bring them. Mr. Berger says:—

American trade  
with Africa and  
the East.

"There is a large trade carried on, principally from the northern ports of the United States, viz., Boston and New York, in the produce of Africa, the East Indies, and other parts; there is a large market there for the produce of those countries, and very frequent opportunities occur, when the markets in this country are bare of those articles, and when it would be most important that they should be brought over here. I speak of such articles as whale oil, ivory, African hides, East India hides, Manilla hemp, East India

We damage  
ourselves.

gums, and African gums, and dye-woods of all kinds ; a considerable quantity of East and West India drugs, coffee, tobacco, annatto, and other articles ; all those articles are very valuable, though not much in bulk. In the conveyance of those articles from the United States, when they are wanted in England, there is a difficulty in meeting with British ships in the ports of the United States. If I had thought it necessary, I could have brought files of letters, not in reference to one particular month, or one particular period of the year, but running throughout the whole year, stating as a grievance that there were no vessels, or that there were not vessels qualified to trade to an English port, which could bring the goods which are restricted from being imported except in British vessels ; those instances occur, I should say, every month : I have brought one or two instances as specimens ; but those cases extend over the last twelve months.—(1541.)

Account of trade  
prevented.

“One of our friends writes us here in November last, from Salem, Massachusetts :—‘The favourable state of your market would induce me to send about 150 casks of palm oil lately received, was there any British vessel here at this time ; and also another parcel of 150 hogsheads which I daily expect.’ And afterwards he wrote us :—‘The 150 casks which are mentioned in my last I have sold, there not being a British vessel ; so that not only a British ship lost the freight, but we lost the commission.’—(1520.)

Palm oil.

“There was another instance in October last. Our correspondent wrote to us in these terms :—‘There are at present 1000 bales of Manilla hemp here, which would go forward were there any British ship.’ We had to send out a ship from this country ; she got into distress, and had put into Cork, and those 1000 bales not having come forward, being equal to 250 tons, have since been sold abroad. If they had come here, our house, or other houses, would have got the commission ; and as it was wanted for exportation, the exporting merchant would have got his profit upon exporting it from here to the Continent.

Manilla hemp.

“I estimate the quantity of those goods which we may call privileged goods as far as the American is concerned, at 4000 or 5000 tons, which, could they be shipped at the time they are wanted here, would be most thankfully done. I can mention, in proof of the positive loss which accrues to us as commission merchants, another instance or two which has occurred within the last twelve months. A friend of ours had 500 tons of logwood which was wanted last year at Liverpool ; he would have sent it had there been an English vessel, but he could not send it, and it has never come forward ; and there again, therefore, we lost the commission on £4000 ; there was a clear loss to us upon that of £150.—(1522.)

Logwood.

“With regard to ivory, it is of very frequent occurrence that they are unable to send it ; it is a most valuable article, and of course it is a question entirely out of time, particularly now, with the

Ivory.

increased rapidity of steam communication ; a merchant now is obliged to be much more active than formerly in obtaining information of what is coming forward from other quarters, which may very much influence the market, and, except he has an opportunity of sending by a ship coming from what may be called an intermediate port, the owner of those goods does not like to take the risk of the market with the present rapidity of communication, which is much greater than it was formerly. We lost last year the shipment of a cargo, consisting of about 150 tons of nitrate of soda, for the same reason.”—(1523.)

The nitrate of soda was at New York, and is still there, and likely to remain there ; for after the delay, freights rose under the corn trade, so that the nitrate of soda would cost more than it was worth to import it.

“ All these cases taken together,” says the witness, “ occasion to us individually, and of course to all other merchants engaged in that trade, a very heavy loss annually, and cannot be considered otherwise than as a tax which we pay for what is called protection upon British shipping.”

Slow sailing.

But not only is there loss from the difficulty of getting any British ships, but when they are got, it is ten to one but loss occurs from the slowness with which they make the passage.

The same witness says—

“ I can give an instance which affected us. The goods were sent by a St. John's ship, loading at Boston ; there were 100 bales of Cuba tobacco which had to be sent round from New York to Boston ; the ship made a very long passage, and that tobacco, if it could have been shipped by an American vessel, would have been here six weeks before, and would have been sold for 3s. 3d. a pound ; but before the time that this ship got here the market declined 2s., and the tobacco is still on hand now, and is not worth more than 1s. 3d. a pound. Upon that single transaction there was a loss to the parties interested of £500. or £600. ; whereas the freight which accrued to the British vessel was only £33. ; and all that, of course, was not profit, but was the gross freight.”—(1521.)

This slow sailing is not an exception but the rule.

“ The average passage of an American liner is between twenty-two and twenty-four days, but English vessels that come to our shores from New York and Boston are never under thirty, and frequently thirty-six days ; I cannot estimate the average passage under thirty-three days.”

It seems therefore that the preservation to our ships of the sole right to carry certain goods from the United States to England, has not made our vessels the best upon the line. Theirs cross the Atlantic three times for our twice. The delay by our ships is itself the cause of constant losses ; for the goods that they only can bring are of the most costly kind, and subject to the most sudden changes of price.

"I beg strongly to press upon the Committee," (continues the same witness,) "not only the loss which is injuriously as regards these goods, entailed upon us in respect to the loss of commission (because we confine ourselves to that), but the loss of market which frequently occurs on account of the delay which takes place."

Loss of market  
from delay.

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#### RETALIATION.

The above evidence is enough to show that the Navigation Laws do not help shipping, and do hinder trade ; but they do more—they perpetuate the Navigation Laws of other countries framed on the model of our own, either in the belief that we, the great leaders in the trade of the world, are right, or by way of retaliation for the injury our laws inflict. The United States copy us to the letter—we prohibit them from carrying the goods of Asia, Africa, and South America, to England, they prohibit us from carrying them to America.

"There is an immense quantity of goods that cannot be imported into America in English vessels : such, for instance, as foreign nutmegs, Swedish iron, tin, spelter, foreign manufactures, Russian hemp, sail-cloth : I might almost say, that there is a regular traffic here in nutmegs ; it is as regular as possible that nutmegs are bought here, and sent over, there not being as many opportunities in Holland to send them to the United States as there are here. Of Russian hemp there is also a large quantity sent, and sail-cloth, and tin, and spelter, and particularly foreign manufactures, which is a growing trade."—(1580.)

Goods not to be  
carried to the  
United States in  
British ships.

Mr. Goschen says—

"The export from the Canary Islands of barilla to America has exceeded 10,000 tons in a year. English vessels cannot carry barilla from the Canary Islands to America for consumption, in consequence

of their Navigation Laws ; and I have therefore been obliged to employ Prussian, Russian, Swedish, American, and one or two Sardinian vessels. I have sent the produce of the Canary Islands to New York, and the natural consequence has ensued, that a great deal more of American produce is now used in the Canary Islands than formerly was ; and the consequence is, that a great deal of American produce goes to the Canaries that formerly did not go, what they call 'domestics,' or common calicoes."—(3635.)

Liberty of other countries.

The very flags employed show that the American prohibition of British ships is purely in retaliation for our Navigation Laws. Prussia, Russia, Sweden, and Sardinia allow American ships to bring them the goods of Asia and Africa, and have the liberty accorded to them of carrying goods from those continents to America. The United States meet us with the same restriction, and give us the same freedom as we give them. A principle of action in which the following queries and replies show that there is no reason to believe they would stop short.

American reciprocity.

"With reference to the United States, is there any instance within your knowledge of a heavier restriction being imposed by America upon any one particular country than that which is imposed by that country upon the United States ?—No ; the avowed principle of America has been to treat any other nation upon a perfect footing of reciprocity, which is instanced in our intercourse with America. You stated in your last examination, that America admits Prussian, and some other vessels, to import goods not the produce of the countries that those belong to ; is that made reciprocal. Do those three countries admit goods from the United States under the same circumstances ?—I believe so ; as I stated before, all the treaties with the United States are based upon the footing of perfect reciprocity."—(1652, 1653.)

It is a question for diplomatists to decide, whether, even if this were not the principle upon which the legislature of the United States acted, we should not have a right to demand the free entrance of our ships with European produce into their ports, upon the same ground as they demanded and obtained the admission into England of their slave-grown sugar.

We have the worst of it.

As regards the United States, in the war of merchant ships we have the worst of it. The whole amount of goods that our



ships may not carry to America is far greater than the whole amount their ships may not carry to England ; and one marked result of the mutual restriction is, that our best ships are not to be found where we have the monopoly.

The dye woods, ivory, oils, gums, and spices of Asia and Africa, the tobacco and annato of Cuba find their way to America, and are often superabundant there, when here there is little or none of them. They are neither produce nor manufacture of the States, so only British ships can bring them to England. The whole weight of such items does not exceed 5000 tons, but they are costly goods, and require the best ships and careful carriage. Just such liberty of shipping as trading countries give, America awards them. On the same principle she turns upon us the whole stringency of our Navigation code. She has her own list of privileged goods, which, being neither produce nor manufacture of England, English ships may not carry to the States ; they are articles of daily export, the most valuable, they fill up the space left by heavier articles, and pay the best freights ; with them it is worth while to send first-class ships to New York and Boston—without them it is not, so few of our ships are sent ; and the Americans therefore have the carriage of a large amount of heavy goods which they freight up with assorted cargoes. The heavy cargoes left for us, employ only inferior ships, unfit to carry back from America the expensive Eastern products.

“ We are in the habit,” says Mr. Berger, “ of loading from twelve to fifteen vessels annually for one port alone, namely, Boston ; and that restriction under which British vessels are not allowed by the American Navigation Laws (which are in fact the prototype of our Navigation Laws) to import certain goods, not the produce of England, prevents us from sending so many or such good vessels as we otherwise should do, because it so happens that those goods which we are prohibited from importing in British vessels into the States by the American Navigation Laws, are the goods which pay the best freights, being the most valuable. There are spices (a considerable quantity) and nutmegs sent from Holland, and a large quantity of foreign manufactures, which is an increasing trade from Prussia. From Elberfeld they are brought over by steamers, and of course go to the United

Results of retaliation.

The worst  
freights for  
British ships.

States in American vessels. Such goods pay the best freights: and then, in our English vessels, we send coarser goods, such as copperas, at £3. 10s. a ton, and all kinds of alkalies, which are from £7. to £10. a ton, and so forth; of course they are not articles that can pay nearly so much freight as manufactured, heavy or other valuable goods. To give the Committee an instance, the freight on those goods varies from 5s. up to 10s. or 15s. a ton, whereas manufactured goods always pay a freight of 30s. a ton."

The aim of our law was to secure to British ships the exclusive carriage of all the products of Asia and Africa, and to make England their sole *dépôt*. It was thought that the impossibility of re-imports of such produce from Europe, and their restriction to British bottoms from America, would give our ships the long voyages to China, India, Africa, &c., and would bring both Europe and America to England to purchase such goods. The practice is, that they import for themselves, are frequently better supplied than we are, and that, in the American trade, this ingenious theory ends in setting our worst to compete with their best ships.

But not only have we American retaliation in action against us, but as a further result of our law, we are threatened with retaliation from Europe.

Foreign Navigation Laws less stringent than ours. Hamburg, Prussia, Austria, Sardinia, admit all goods in English ships.

"The Navigation Laws of many European countries are generally less stringent than ours. With reference to the three or four countries of Hamburg, Prussia, Austria, and Sardinia, those four countries, or rather three countries, Sardinia only excepting wines and spirits, admit all goods by English vessels, irrespective of the countries where they are produced. An English vessel takes Brazil sugar and East India produce, either from the places of growth or from an intermediate port, such as London or Marseilles—in fact, all produce whatever—the latter into Hamburg, into the Prussian ports, into Austria and Sardinia likewise, only excepting wines and spirits, and wheat and corn likewise; but these last are at present exempt. English vessels bring Egyptian cotton from Alexandria to Trieste, a trade which is generally supposed to be entirely in the hands of the Austrian vessels, and naturally so."—(Berger.)

On the other hand, England only admits in their ships goods the produce of the country whose flag they bear, or shipped at the ports of the country to which the ships respec-

tively belong ; forbidding them all carriage whatever to this country of goods the produce of Asia, Africa, or America.

"This non-reciprocity, or rather this defective reciprocity, or as we should call it on the Continent, one-sided reciprocity, is beginning to tell. The Zollverein has been for some years past endeavouring to establish what they call a Zollverein marine ; and as soon as they can bring the twenty-eight or twenty-nine states which compose the Zollverein to agree upon particular points or conditions, that flag will assume a nationality ; and it is the intention of Prussia to impose differential duties : and looking at the fact, that Germany is decidedly the best market for England, as regards manufactured and other goods imported into England from her colonies and elsewhere, and that in regard to English manufactures, Germany alone takes more of English goods than the East Indies and all her colonies, such a duty if imposed by Hamburg or the Zollverein, with Prussia at its head, would have a most serious effect on British shipping, if not on the quantity of goods exported. At present there is no restriction upon British shipping in regard to Hamburg, Prussia, Austria, or Sardinia, with the two exceptions of wine and spirits."—(1648-50.)

Our Navigation Laws likely to give rise to Zollverein union flag.

Mischief it might do.

Another witness (Mr. Swaine), on the same subject says,—

"There has been a great deal said about what is called a 'union flag,' that is, uniting the ships of the various states in Germany under one flag. It is a subject which has created a great deal of interest in Germany during the last three or four years. The marine states of Germany are very much opposed to a junction with the Zollverein ; but in consequence of the Navigation Laws, the subject of forming a union of all the maritime states under one common flag, has made very considerable progress, and I have very little doubt that something of the sort will take place eventually, the object of which will be to create differential duties ; and in that case, if the British Navigation Laws are preserved, the British shipowner will be driven out of that trade altogether.—(3178.)—Their removal would operate as an impediment to that arrangement being carried out ; or if it did not operate as an impediment to the arrangement being carried out, it would operate by relieving Great Britain from the effect of it ; that is to say, the differential duties would be levied only against those states which preserved their prohibitive laws."—(3181.)

How it would operate on us.

How to protect ourselves.

To all the above restrictions there is a general exception.

GOODS MAY BE IMPORTED IN ANY SHIP TO BE WAREHOUSED  
FOR EXPORTATION.

Foreign produce of all kinds, no matter whence imported or how carried, may be warehoused for exportation. Colonial produce is excepted, another affecting instance of the paternal solicitude of the mother-country.

This warehousing system is one more anchor which has been thrown out, to enable the Navigation Laws to ride out the storm which has been so fatal to its kindred monopolies.

It has been asserted that the repeal of the Navigation Laws would empty our warehouses, and the ports of the continent of Europe become the emporium of foreign productions.

This is a bold assertion ; the argument it is difficult to understand. It runs thus :

Warehousing.

Goods are warehoused in England because they can be taken thence to foreign markets. Goods will not be warehoused in England, because they can be taken thence to the home market as well as the foreign markets. Our belief is, that the object of warehousing goods is to watch an opportunity for their sale ; and that, therefore, the merchant will always warehouse where he can command the largest market.

If, in addition to those to which he now has access, the largest market in the world is brought close to him, it would scarcely be an inducement to him to abandon the English warehouses.

As the law at present stands, a foreign ship labours under a disadvantage : she can only warehouse produce of Asia, Africa and America for exportation, whereas an English ship can warehouse it for exportation and consumption too ; the least probable effect of the removal of this inconvenience would be to drive her away to a distant foreign port.

On this point, the following extract from the examination of Mr. Porter, is well worthy of attention :

Why goods are most likely to be warehoused in England.

“ Do you believe that the repeal of the Navigation Laws would increase or diminish the warehousing trade in this country, if it may

be so called ; would it develop the warehousing system of this country, or otherwise ?—I think the tendency would be to increase it, rather than otherwise ; there is a tendency, and has been for a long time past, in the commercial world in general, to do as little as possible in the way of warehousing their goods, because of the expense attending it. Warehousing must be carried on, under certain circumstances, to a very large extent ; under those circumstances, I am of opinion that this country must always have a very large proportion of the trade ; and for this reason, that we have here the largest capitals, we have here the greatest number of merchants, our concerns are far greater than those in any other country in the world, and our merchants would rather have their goods in their own possession than have them in a foreign country ; and foreign merchants, who are overloaded in dull times with goods, will, as they frequently do, send them to this country, in order that they may obtain advances upon them : and anything, in my opinion, that tends to increase trade, must increase that branch of it. There is a circumstance which I happen to know has resulted from the recent alteration in our sugar duties, and as the case is somewhat analogous, I will mention it : Cuba sugar is very much used on the continent, and the custom has generally been, that the ships come here and call at Cowes for orders, and the agents of the parties owning the sugar have sold the sugar, or taken their measures for sending it to the market which offers the best promise, and then the whole cargo has gone there. Since, however, the relaxation of our system with regard to our sugar duties, that has not been so much the case as it used to be ; for merchants at Hamburgh, for example, find that by coming to this market they can buy what they want, and not buy what they do not want, they can make their selection ; and therefore it is better worth their while to pay the freight for taking that sugar from London to Hamburgh, which is only 12s. 6d. a ton ; and the insurance, which is  $\frac{1}{4}$  per cent., the whole charge amounting to 9d. a hundred-weight on the sugar, it is much better for them to do that, and buy what they want, than to purchase a large quantity of what they do not want, but which, if they buy, the whole cargo they must buy. This country must always have facilities for carrying on a trade of that kind, by reason of its large capital.

“ Did I understand you to say that you thought the repeal of the Navigation Laws would extend to the warehousing trade here ?—I think so.

“ But the Navigation Laws offer no impediment to goods being bonded in this country ?—No ; but it appears to me reasonable to suppose, that if you took off the restriction of not allowing goods to be brought in certain vessels except for the purpose of exportation, and extended it to all purposes, allowing the goods to enter for consumption here as well as exportation, you would have a much

Repeal of Navigation Laws would extend warehousing

Advances upon  
goods ware-  
housed.

larger quantity of goods brought than under other circumstances, and that the extent of warehousing be greater.”—(7619—21.)

“Is there not an advantage to the importer in getting advances upon the goods warehoused here?—Certainly; and no English merchant, I should think, would make advances upon goods which he had not under his own control; for instance, goods warehoused in a foreign country. And do you consider the greatest advantage of all in the warehousing system here to be, that you have the largest market in the world at your back?—Unquestionably goods will always go to the largest market as a matter of natural preference.”—7623, 7624.

#### THE ACCOUNT SHIPOWNERS GIVE OF THEIR OWN CONDITION.

If, instead of making each its own carrier, forcing countries without ships to depend on us for the transport of their produce, and compelling countries without exchangeable commodities to seek away from us employment for their ships, we were to announce that our ports were open to all who chose to come, then, looking at her insular position, her harbours, her docks, her warehouses, her capital, her credit, and her trade, who can doubt that England would become the great fair where the commercial transactions of the world would be carried on. The trade of this empire is bounded only by its own restrictive laws. The result of all the curtailing of our commerce—of all the mighty sacrifice at the altar of the mercantile marine—we shall learn from the spokesmen of the Central Committee of Shipowners, for upholding the principles of the Navigation Laws.

Mr. Dunbar says that—

A bare profit.

“Shipowners generally have not had greater profit than persons in other trades, taking shipowners as a body. It requires great economy and care to get a bare profit out of the freights which they have.”

Mr. Richmond says—

Half the capital  
lost in 25 years.

“Experience, and dear-bought experience, has taught me, and from the daily and visible sight of what passes around me, I am sure that I do not exaggerate, when I say, that half the capital embarked in shipping for the last twenty-five years has been lost; and

I say, more than that, that the other half remaining, to a very great extent, has been totally unproductive of profit to its unfortunate possessors ; I do not mean to say that there are not occasionally people who in a chance and wind-governed trade, like that of the shipping of England, have not made those lucky hits that always must and always will occur, but I repeat again, that the great bulk of the money embarked in shipping has paid no profits for the last twenty-five years. It requires a good deal to ruin a man ; the shipowners hobble on till they get into the Gazette. But for the last twenty-five years the rates have been unremunerative.”—(7832.)

And so being asked,—

“In what worse position, then, would you be placed by the total repeal of the Navigation Laws ?”

Pathetically replied,—

“Hope is the last thing that leaves us.”—(7833.)

Only hope to  
live upon.

The same story is told by Mr. Young, who said,—

“He felt a perfect conviction that the capital actually embarked in shipping, during the whole period of his experience, had produced smaller returns than an equal amount of capital embarked in any other pursuit whatever.”

And so the whole matter, disguise it as they will, comes to this. The Navigation Laws, professing to set British shipping above all other interests, has deranged half the trade of the world to accomplish the purpose. And, after all, the ship-owners are only, by some extraordinary monomania, by some unaccountable impulse, driven to build ships. One after another they take up the trade, and “hobble on into the Gazette.” What worse fate could befall them if they had no Navigation Laws. Hope certainly does not seem to leave them. They devoutly believe in the power of protection still. Experience crowds lessons on them in other trades as well as their own, to no purpose. They refuse to see. They do not like the prospect of the effort, the improvement and revision, to which free navigation would force them. They prefer the lazy luxury of a protective system, and they come “whining

to Parliament" for help, with whom they say it is impossible they should compete against foreigners.

In the next chapter, therefore, we will sift this question of competition to the very bottom.



## THE ANATOMY

OF

## COMPETITION WITH FOREIGN SHIPS.

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The shipowners make assertions that—

“The Repeal of the Navigation Law would be followed by the sweeping of British merchant ships from the face of the ocean, for the British shipowner cannot compete with the foreign; they defy him to do it; the foreign competition would overwhelm the British.

“That there is no change within the power of the Legislature, to make which can by possibility place the British shipowner in a position in which he can carry on successful competition with some of the cheap nations of the world.”—(5932.)

“That the competition it would introduce between the cheap navigation of many other countries, and the inevitably dear navigation of this country, under any alteration of system that it is in the power of the Legislature to make, would induce British shipowners to retire from the contest, and to leave the pursuit to those cheap competitors, and that therefore the quantity of British shipping would inevitably and greatly decline. That with many foreign shipowners they would be perfectly unable to maintain the competition.”—(5234, 5235.)

“That we can never reduce the cost of production in this country to the level of the cost of production in other cheap nations of the world. That if, among other things, we were to wipe off the National Debt, we should be placed in a position in which we could better compete. That they cannot conceive of the possibility of the cost of production in this country being reduced to the level cost of production in the cheap nations referred to. That they certainly do distinguish British shipping, and capital invested in British shipping, from any other business ?—5924—27.

With regard to the general question of the power of this country to produce cheaply, and the operation of the National

Debt upon competition with other countries, it is not our present purpose to enter upon a controversy. These points have been argued with every order of protectionists, over and over again ; and we believe that the shipowners, any more than other monopolists, would fail to show that the enhancement of the cost of production, and so the enhancement of price of all articles of consumption, by means of protection, facilitate to the community the payment of the interest of the debt. The fact that we do compete with the whole world in manufactures, that we do produce more cheaply than any other nation, is notorious and incontrovertible ; what we have to examine—and to this we pin down the advocates of the Navigation Law—is, whether there be any exceptional arguments to enable them to establish in their case, what in every other has been disproved and disallowed.

With regard, then, to the details of their incompetency, we have extracted from the evidence before us, their statement of the peculiar difficulties under which they profess to labour, and having placed in juxta-position with them such facts as will enable an opinion to be formed as to their value, we shall afterwards proceed to prove their particular position, in relation to the various maritime countries of whom they manifest so terrible an apprehension.

#### ASSERTION, No. 1.

“Wages are a constituent element of expense of the construction and outfit of a ship, in the same way as they are an element of the expense of every other production, and unless the wages of labour given in this country could be assimilated to those of some of the cheapest nations of the world, with which we should, under a repeal of the Navigation Law, be brought into competition, I fail to perceive how any other effort could place us on a

#### ANSWER, No. 1.

“In the first place, I deny the fact that labour is dear in this country ; I consider that labour is cheaper in this country than it is in any other country. As a proof of that I will mention one or two facts. When they were constructing railways in Germany, labourers were taken over from England to compete against German labourers ; the same in France ; and in the British colonies in North America, where ships are built apparently very

footing of equality with them.”  
—*Young*, (5238.)

“In reference to labour, the English shipbuilder labours under a disadvantage, as compared with the foreigner.”—*Young*, (5738.)

cheaply, labour is dearer than in this country; and we know that it must be so, for persons leave this country, with their labour, and all that they have, in order to go there to turn it to better account.”—*Porter*, (7639.)

“I understood you to say, the other day, that in Boulogne the shipwrights receive 1s. 6d. a day, while in England shipwrights receive 6s. a day; is there any law to prevent your employing Boulogne shipwrights?—None.

“What is the reason why his labour is so much cheaper than that of the English shipwrights?—I must respectfully leave that to be explained by those who understand the science of political economy, in which I am not an adept. I do not know how it is, but he ought to come here according to the science of political economy.

“Is not the inference to be drawn, that the dear labour is in point of fact the most economical of the two?—It is not my deduction, and I do not think that that is the inference to be drawn.”—*Young*, (5739–5741.)

#### ASSERTION, No. 2.

“The actual cost of a ship built in England exceeds the cost of a ship built in any other country on the face of the earth, and very greatly exceeds the cost of ships built in many countries.”—*Young*, (5237.)

#### ANSWER, No. 2.

“We do not, on an average, build our ships cheaper in America than in England; we have some that are built cheaper.

“Taking quality for quality, a ship of the same price, which costs as much to build and fit out in England, is a more valuable ship on the register in Lloyd’s books than an American ship,

because we have English ships to stand twelve years, and no American ship is considered fit to be put on the register as A 1, for twelve years. You can build a twelve years' ship in England, and fit her entirely for sea, as cheaply as you can build an American ship of ten years. I have had several times extensive repairs to make in England, and I have seen a good deal of it in Liverpool, and my owners in America always appear to be satisfied; they say that they cannot get the repairs cheaper done at home; you have greater facilities here in repairing ships than we have in America; we have no dry docks, we have only patent slips, which are more expensive; in fact, I am prepared to say, that in my experience, the repairs of ships in this country have cost not more, but perhaps less, than the repairs would have cost in America."—*Briggs*, (4918, 4769-72.)

### ASSERTION, No. 3.

"Cheapness of materials and cheapness of labour, constitute the chief elements of which the advantage of the foreign shipbuilder over the English shipbuilder is composed.—*Young*, (5764.)

"They build cheaper abroad than in England. They have the wood growing on the spot, and you can of course build cheaper where you have the wood than you can where you have to pay freight for bringing it to this country."—*Dunbar*, (4449.)

### ANSWER, No. 3.

"I do not imagine that the shipbuilder in this country has any disadvantage even in the article of timber; for timber which goes to the building of ships, or at least a large part of it, is grown on our own soil, and pays no duty, and is cheaper here, taking quality into account, than the timber which might be used for the same purpose in foreign countries; the iron is cheaper here than elsewhere; copper is cheaper here: we export copper in large quantities, consequently it is cheaper

"You have stated the disadvantages under which the British shipowner labours as compared with the foreigner ?—Yes.

"Is it in the expense of building a ship ?—That is one part."  
—*Dunbar*, (4539, 4540.)

"What is the great disadvantage that the British shipbuilder labours under in the competition with the builder of foreign ships ?—The higher price of timber here is one great disadvantage."—*Young*, (5704.)

"I have before me the actual expenditure on all the materials on a ship that I built of 500 tons. Will you be good enough to state the amount of fir timber that you employed in building that ship ?—On the gross expenditure of £8200, I find that the cost of fir materials was £380.

to us than to third parties ; in fact going through the whole of the articles used for the building and fitting of ships, taking the quality of ships into account, a ship can be built as cheaply in England as a ship can be built in any other country."—*Porter*.

"Do not you build your ships chiefly of English oak, and African and East India teak ?—Yes."  
—(4541.)

"Have you not found it to your interest to build your ships of the dearest materials rather than to build them of cheap materials ?—Yes, we expect them to last longer, and they cost less in repairs."—(4561.)

"But you have found it more to your interest to build dear ships than cheap ships ?—Yes, I have found it to my interest."—(4564.)

"What other articles do you require for ship-building besides wood ?—You require rope, canvas, copper, and chains ; they are to be got as cheaply in England as anywhere else."—(4450.)

"With regard to the price of timber, how much fir timber is used in the construction of an English ship, comparatively with other timber ?—A very insignificant quantity indeed."—*Young*, (5705.)

"What other timber did you use ?—English oak and African teak.

"How much English oak ?—Two hundred and eighty-six loads ; the English timber amounted to £2300. ; and the plank to £1788, that is plank cut from timber.

18s. 4d. ; that was chiefly Dantzic deck deals."—*Young*, (5706, 5707.)

"Is that all oak plank?—Yes.

"What was the nature of that timber?—Nearly three-fourths of it English oak.

"What was the remainder?—African teak, and a small quantity of English elm."—*Young*, (5708–5712.)

#### ASSERTION, No. 4.

"In respect to oak, the Prussian has a great advantage over the English shipowner. He produces his ship for less cost than the English shipbuilder can produce his. The ship which the Prussian produces is quite as useful in earning freight for a certain period ; the period during which the two ships may be able to earn that freight being, as I will admit, relatively different.

"But is the relative difference of the Prussian ship so great as to make his ship cheaper than an English ship?—Most unquestionably it is.

"In respect to oak?—Yes."—(5725–5729.)

#### ANSWER, No. 4.

"How, then, can there be a shipowner found so mad as to pay £13. 10s. a load for English oak, when he can build an equally good ship with Prussian oak at £9. a load?—I do not appear here to defend the madness of shipowners on any subject.

"The plank for that ship of which you spoke was £1788. ; how much of the timber that cost £2300. was oak?—That was all oak.

"How much teak was there?—Ninety loads ; I suppose it was about £10. a load ; that is £900.

"There was £900. of teak, and the remainder was of elm?—Very little elm? it is scantily used in the construction of a ship.

"You say that the Prussians do not use teak?—No.

"We must find it to our advantage to use teak, or we should not send for it?—Certainly.

"As regards fir timber, the amount used in building a ship of 500 tons is very small?—Very small ; it is almost confined to the use of Dantzic deals for the deck."—(5730, 5732–37.)

## HOW OUR COMPETITORS BUILD AND NAVIGATE THEIR SHIPS.

The chief countries entering into competition with us in shipping are the United States, Russia, Sweden, Norway, Denmark, Prussia, France, Germany, Holland, and Belgium. Competing countries.

The statement of the shipowners is, that these countries can build and sail their ships cheaper than we can ours.

We have before us evidence on both points. First as to America:—

## THE UNITED STATES.

It has been the endeavour of the shipowners here, to fix in people's minds the notion, that in America the timber for shipbuilding grows at the very water's edge, giving them an immense advantage over us, who have to bring it a long voyage over sea, &c. But Captain Briggs, an American, affirms that

"The principal part of the timber they use, (the live oak), comes from South Carolina and Florida; the timber for the rigging of the ship generally comes from Virginia and Maryland; it is transported from there to the more northern states. The principal part of the ships are built of oak; the ships which carry wheat are built of Carolina or Georgian pine."—(4743.) Timber.

The ship builders of the United States have therefore the expense of shipment and unshipment, just as we have. We can have the same timber of Carolina, Florida, Virginia, and Maryland. The only advantage to New York, Boston, or Baltimore, is the difference of freight between the timber-growing states and the Northern ports, and the same states and England.

We take all the other materials of a ship *seriatim*. Captain Briggs says,—

"Most of the iron for ship-building we Americans get from England. There is a duty upon the import into America of bar-iron of 30 per cent. *ad valorem*. The average freight is about 12s. per ton. —(4751-2.) Iron.

"Chains are manufactured in England. When there is a ship built in the United States, there is an order sent here for chains, and for whatever ironwork can be made in this country.—(4753.) Chain cables.

"The duty upon manufactured iron, or for chain cables, is about 35 per cent. ; we pay five per cent. more for manufactured articles.—(4758.)

Copper.

"We get copper from England. We buy the sheet copper in England, all ready to put on. We have a duty on copper in the raw state, but none on sheeting.—(4752, 4760, 4762.)

Cordage.

"Our cordage is principally made in the United States, and the hemp we get from Russia, though we have some from this country. With regard to hemp and the materials used for the rigging of a ship, we have a duty ; it is 25 per cent. on foreign cordage, but I am not sure what it is on the raw material."—(4750, 4766.)

The cordage is fully 10 per cent. dearer than in England.

Sails and  
Canvas.

"Those vessels that are engaged in the trade between this country and the United States, get all their sails from here ; seldom or never are sails made in the United States ; even our new vessels get sails made in this country, and carry them over. There is a duty on canvas of 25 per cent. *ad valorem*. Canvas, taking the average in the United States of America, is fully 10 per cent. dearer than in England."—(4749, 4767.)

We come next to the wages of the workmen.

Ship-carpenters'  
wages.

"The wages of shipwrights in the United States at the present time are 10s. sterling a day. They work ten hours. The usual wages of ship carpenters throughout the United States, are two dollars, or 8s. 4d. sterling a day. They are 10s. at present."—(4739-41.)

From all the above items, the result is, that

The ship costs  
more in America  
than England.

"Wood being nearly as expensive in America as in England, and everything else much more expensive, the total expense of building a ship and fitting her for sea would be more in America than in England. Timber is a little cheaper, *but wages are much more*.

"The present cost of building a ship in the United States is about £20. a ton ; the average price about two years since was £16. a ton. The class from 400 to 800 tons."—(4731, 4732.)

So far we have the ship complete and ready for sea. We have yet to learn what her value is as compared with an English ship.

How ships are  
valued.

As the result of long experience of the most able judges, a certain classification of vessels has been adopted for the purposes of insurance. It has been corrected from time to time, as any new circumstance with reference to any kind of timber, or build of ship has come to light, and the classification by



"the Society," is the universally received test of the value of a ship. A ship is of greater or lesser value according as it stands for a longer or a shorter period in the first class on Lloyd's List.

Distinct rules are laid down by the Society, specifying what timbers must be used in the several parts of a vessel of each class, which are founded on the discovered facts, that built of certain kinds of timber and put together with copper, a ship will bear the sea for a certain number of years without repairs, and after repairs will for a certain further number of years be as good as ever, and continued in the first class accordingly. But that built of other kinds of timber, and put together with iron, she will bear the sea without repairs for fewer years, and after repairs will not for any time be as good as at first. (A 1, 12 years) is the highest class of ship.

How ships are  
classed.

Mr. Graham, the Secretary to Lloyd's, says,

"The first-class British ships are the best ships in the world, and are superior to American ships."—(3440, 3441.)

British ships the  
best and  
cheapest.

Again, Captain Briggs states that such ships as he has spoken of, costing £20. per ton,

"Would not stand A 1. for 12 years. The Americans have no ship that would stand A 1. for 12 years in this country."—(4734.)

"A ship could be built in England quite as cheaply as in America, and an English ship always stands longer than an American ship."—(4768.)

"You can build a 12 years' ship in England and fit her entirely for sea as cheaply as you can build an American ship of 10 years."—(4770.)

Mr. Young says that,

"A ship built in such a way as to be entitled to stand for 12 years on the first letter, costing £18. per ton, as I have stated; it is my opinion that a ship so built as to entitle her to stand for 11 years on the first letter, would cost £1. less a ton, or £17.; and a ship of ten years £1. a ton less than that, or £16.; and so downwards till about the period for which foreign ships do usually stand on the first letter. Thus the cost of a London, Liverpool, or Glasgow ship being £22. 10s. a ton, and a Sunderland ship £18. a ton, I take the average of the two as exhibiting the cost of our best tonnage engaged in distant voyages; that average is £20. 5s., or say £20. a ton."—(5234.)

A year less A 1.  
costs £1. less a  
ton.

Be it so ; our 12 years A 1. ships cost £20. a ton.

A 10 years A 1. ship would cost £18. a ton.

The American is a 10 years A 1. ship and costs £20. a ton.

Mr. Young  
makes the Eng-  
lish ship £2.  
per ton cheaper  
than the  
American.

Therefore, taking Mr. Young's estimate, the English ship is cheaper than the American by £2. a ton.

But we have another account which also deserves consideration, that of Mr. Duncan Dunbar, Chairman of the Shipowners' Association for upholding the principles of the Navigation Laws. He says,

"A ship of 10 years, which is the middle class, and more generally built, could not be fitted and coppered ready for sea under £20. to £21. a ton, old measure. A ship of 635 tons old measure would perhaps measure 757 new."—(4199, 4200.)

Mr. Dunbar  
makes the  
American cost  
£3. per ton more  
than the British  
ship.

All the other estimates are given in new measure. Mr. Dunbar's ship would cost (taking it at £20. 10s. per ton, old measure) about £17. per ton new measure.

Mr. Dunbar's ships are 10 years A 1. and cost £17. per ton.

The American ships 10 years A 1. cost £20. per ton.

Therefore, quality for quality, the American ship is, according to the statement of the actual cost of his own ships by the Chairman of the Shipowners' Association, £3. per ton dearer than the English.

#### COST OF NAVIGATION.

We come now to consider whether the American can sail his ship cheaper than we can ours. On this point we have again the evidence of Captain Briggs.

How the cap-  
tains are paid.

"Our American shipmasters are better paid than the British shipmasters. We are paid five or seven and a half per cent. upon the gross amount of the freight. We are paid in a different manner from the general run of English captains, or any other captain."—(4797, 4798.)

Then, as to seamen :—

Wages of  
American  
Seamen.

"The average rate of wages for the last five years has been 15 dollars a month ; there is a regular tariff in the price current, 'seamen 15 dollars a month.'"—(4779.)

The present tariff, owing to the great demand, is 18 dollars a month.

"You get English seamen at Liverpool at £2. 10s. a month."—  
(4773.)

Wages of  
English  
Seamen.

But it is asserted that American are more cheaply navigated than English ships, by reason of their employing fewer hands. We extract the case of the United States from a statement put in by Mr. Porter, showing—

Number of  
hands.

The shipping employed in the trade inwards of the United Kingdom, in the years 1844, 1845, and 1846, separating British from American vessels, and showing, with respect to each, the tonnage and numbers of the crews employed in navigating the ships, with the proportionate number of such crews to each 100 tons of burthen.

G. R. Porter.

Parliamentary  
returns.

	Ships.	Tons.	Crews.	Proportion of crews to 100 tons.
British.	{ 1844 . . . . 373	206,183	8170	3.96
	{ 1845 . . . . 368	223,676	9435	4.21
	{ 1846 . . . . 330	205,123	7649	3.72
United States of America.	{ 1844 . . . . 575	338,737	11,157	3.29
	{ 1845 . . . . 741	444,442	14,332	3.22
	{ 1846 . . . . 744	4353,99	13,912	3.19

It would appear, then, that the number of hands is somewhat greater in English than American ships.

The difference, however, is accounted for by the apprentices, which are included in the above numbers on board British ships. Captain Briggs says,

"You have more hands on board British ships, but we have fewer boys; we take the advantage of having able seamen. We ship whom we please; we take boys sometimes, but there is no compulsion. Though our total number on board as the crew may be smaller we have a greater proportion of able seamen, and therefore we have less in number."—(4803, 4805.)

More able  
seamen in  
American than  
English ships.

Again Mr. Dunbar says,

"American ships are navigated more cheaply than English, only by their taking fewer hands; not having the expense of boys."—(5157.)

We do not enter into the question of how far the greater number of able seamen on board American ships, and the

The shipowners  
have themselves  
to blame.

£1. 2s. 6d. per month paid to each of them above the pay of the English seaman, may make the whole cost of wages in an American as great or greater than in an English ship of the same tonnage. We are content to have it borne in mind, that our shipowners take the Navigation Law with the apprentice condition tacked to it. That were the law abolished, the apprenticeship compulsion would go with it, and the English shipowner, putting able seamen in the place of boys, could sail with as few hands as the Americans; for British able seamen are not so inferior, as that it requires a greater number of them than of Americans, or any other men, to work a ship. They are on board United States ships—are of their ablest seamen—and, man for man, we pay our men less than they are paid by the Americans.

Possibly the assertion might be made at random, that on board American ships the sailors are ill fed, and so their ships make voyages at less cost than ours. On the contrary, however, it is notorious that the American are the best victualled ships in the world. It is not likely that men so well paid would submit to be ill fed.

How American  
ships are  
victualled.

“It costs to victual the men about 30 cents per day, or 16d. per day. The articles supplied on an ordinary voyage are beef, pork, flour, beans, peas, fish, plum-pudding twice a week, peas and beans twice a week, potatoes twice a week; bread as much as they wish, coffee in the morning, and tea at night. They have sugar for the tea, and molasses for the coffee. They have rice, as much as they wish to eat, twice a week, and always plenty of molasses with it.”—*(Captain Briggs, 4592–4595.)*

The Americans  
are our greatest  
rivals.

We might rest the whole case as to competition here. The Americans are in all respects our most powerful rivals. Their tonnage is next in extent to our own, being for the foreign trade 1,095,172 tons. Mr. Richmond will have it still greater: he includes vessels employed on the American coasts and fisheries, on the supposition, no doubt, that our Navigation Laws being abolished, they would quit their present profitable employments, and crowd, irrespective of build or tonnage, into trades now kept as monopolies for our ships. He says—

"I say that the tonnage of the United States of America, by the book published by the American Government, and which Mr. Porter himself has referred to, is 2,280,095."—(7843.)

Well, be it so. We have before us that the American ships, quality for quality, ready for sea, cost more than ours.

American ships and navigation cost more than ours.

That the captain is better paid.

The men better paid.

The crews better fed.

The Americans, with ships and navigation more costly than our own—

"Allow competition between the ships of the United States and Bremen and Swedish ships, and do not think that they interfere with them. A Swedish ship can take a cargo of Tea from China to the United States; there has been a Swedish ship chartered for the last two years. She comes into direct competition with the American ships. The greater cheapness which it is said that ships can be navigated from Sweden and Bremen than from the United States, has not injured, because they have made three voyages to the two of those cheaper sailing ships."—(4868-4871.)

They allow free competition to the cheap ships of Sweden, &c.

The great tonnage of the States has grown up in spite of the competition with Sweden, and Bremen, and Hamburg, which is to overwhelm utterly our British commercial marine, and with it our naval defences. To the inquiry whether he thought that the Americans had sufficient natural advantages over us to drive us from any trade, Mr. Dunbar replied :

Competition with cheap ships has not impeded the increase of American tonnage.

"I think that they would do so by their energy, and the increase of their tonnage: only give them a market, and they will find you ships."—(5158.)

Their progress the fruits of their energy.

"You think that by their energy, and the increase of their tonnage, they would drive you out of the trade; but at the same time you do not think that they have natural advantages over us which would help them in the competition?—Unless it can be proved that they can build their ships cheaper."—(5159.)

It has been proved that they cannot build their ships more cheaply; so that it is not against any natural advantages possessed by the Americans that our shipowners demand protection, but against the energy and activity of the shipowning and seafaring men of the United States. They make quicker voyages, never allow their ships to be idle, load faster, stow

their cargoes more carefully, deliver them more promptly and in better condition, and so prosper and make profits; while the English shipmaster, to use the expression of Mr. Richmond, "is hobbling into the Gazette" upon the crutches of protection.

So much for that of our competitors which builds the most costly ships, and navigates them in the most expensive manner: let us turn to the case of the competitor whose ships are the cheapest, and whose crews are the worst paid of any nation whose flag is on the seas.

#### RUSSIA AND THE CHEAPEST SHIPS.

Cost of Finland  
ships.

5518.

It is no matter of dispute that of all these dreaded north ships, those of Finland are built at the least cost. Mr. Young, in admitting this, states that they cost but £8. 10s. per ton. £8. 10s. per ton for a Russian, £20. per ton for a British ship; five Russian craft built for the price of two English! Surely it must be impossible for us to keep the seas with them at all. If the United States, with such doubtful advantages, have three-fourths of our American trade, these cheap Finlanders must have it all their own way. The logic of the advocates of the Navigation Law seems utterly discomfited by the fact which they cannot conceal—that the Russians have a very small comparative tonnage, and we a large portion of their trade. We have, indeed, more than three-fourths of it.

Russia has the  
cheapest ships;  
we carry nearly  
all for her:  
America the  
dearest, and  
carries most for  
herself.

"I have never been able," says an amazed shipowner, "to account for the large portion that we have of the Russian trade; it is the result of some circumstance which prevents them from availing themselves of the advantage which they have in cheapness, with which I am unacquainted."—(5518.)

The mystery so inexplicable to Mr. Young, is easy of solution. Without the energy and activity of the Americans, the Russians have not their advantages in position, nor in liberal commercial institutions, industry, ingenuity and resources; all of which we Englishmen have in a still greater degree, though they be somewhat clogged by duties and systems of protection.

And furthermore, the Russian ships are *not* so cheap as the English ships. Russian ships  
not cheap ;

*"The Finland ships are entirely fir ships."*—(5283.)

*"A fir ship will not stand more than four or five years on the first letter."*—(5283.) they are en-  
tirely fir built ;

"A ship built in such a way as to be entitled to stand for 12 years on the first letter, costing £18. per ton, as I have stated, it is my opinion that a ship so built as to entitle her to stand for 11 years on the first letter would cost £1. less a ton, or £17. ; and a ship of 10 years £1. a ton less than that, or £16. ; and so downwards till about the period for which foreign ships do usually stand on the first letter."—(5243.)

The period for which the Finland fir ships do actually stand on the first letter is four years. they stand but  
four years A 1.,

It will not do to assert that

"The fact that the best English ship can continue 16 years on the first letter without any expense whatever, while a foreign fir ship can continue only four or five years upon the first letter, is only for this reason, that with respect to English ships, as we have a surveying staff in all ports of this country, they can be continually brought under revision, and be ascertained to be in that state of efficiency which will justify their continuance in the first class ; but with respect to foreign ships no such revision could take place, except the committee of Lloyd's had an equally competent staff of surveyors in every port of the countries to which the ships resorted, because no irregular survey of a ship by any man, be his judgment as good as it may, would enable the committee to ascertain the intrinsic quality of the ship."—*Young*.—(5290.) not for want of  
survey.

The intrinsic quality of the ship is ascertained.

*"Our Canadian fir built ships are under constant examination in this country."*—(5291.) Canadian fir  
ships are  
surveyed ;

*"They are surveyed, and stand but four years on the first letter."*—(5093.) stand but four  
years A 1.

The Finland ships are built of the same kind of material.

They therefore stand but four years A 1, not because of want of survey, but because of want of quality.

The durability of such fir built ships is perfectly well known. It entitles them, no matter where they are built, to stand four years on the first letter ; and no repairs or restoration can place them there for a longer period.

Fir or oak, iron  
or copper, a  
ship's a ship to  
uphold the Na-  
vigation Laws.

: 5245 }  
5255 }

5243

It is true that Mr. Young, a member of the Committee who drew up Lloyd's rules for the guidance of the shipbuilders of the whole world, as the advocate of the Navigation Laws, looks upon it as very unimportant whether a ship stand seven or eight years ; he does not consider the rules as an invariable criterion. He takes foreign ships at nine, eight, seven, five, four years ; assumes, for an average of all English long voyage ships, £17. 10s. per ton ; gives the cost of foreign ships ; winding up the list with Finland at £8. 10s. the ton ; speaks of those cheap ships, fir-built or oak-built, to last seven years, or four years, as if they were each and all the same thing as an English first-class ship ; but when it comes to the purchase of a ship, or a question as to the fulfilment of a contract for the build of a ship, then the validity of Lloyd's List is admitted by him, in common with every other shipowner, merchant, and underwriter.

But in bargain  
and sale, timber  
and fastening  
fix the price.

*"If an order is given for a ship to be built, do you not pay more for one class of ship than another?—I have already stated that we do.—If you bought a ship which was to stand nine years, and you found that it was classed to stand only seven years, would you consider yourself called upon to complete your bargain?—Certainly not.—Without reference to any other consideration than the fact of the ship standing two years less?—Certainly ; it does affect the value there is no question of it.—If you contracted with a builder to build a ship to stand nine years, and you took a ship which stood only seven years, you would have received that which you did not buy?—Certainly the two articles would not be the same."*—(562, 5275.)

By Lloyd's rules, then, the Finland ship stands 4 years A 1.  
The English ship 16 years A 1.

The English  
ship cheaper  
than the  
Finland.

The Finland ship costs . . . . .	£8. 10s. per ton ;
The English ship costs . . . . .	£20. per ton ;
Mr. Young deducts £1. for each year,	} £12. ;
which for 12 years is . . . . .	

Leaving the English ship of the same	} £8. a ton,
quality as the Finland . . . . .	

or ten shillings per ton cheaper than the Finlander.

There is yet another test of the relative value of cheap and dear ships. Our shipowners can build ships to stand a short



time on the first letter cheaper than those to stand the longest time. But Mr. Graham says—

“We have a greater proportion of vessels of 10 years and above, than we ever had before; there is a better description of wood, and it is better converted, and there is greater pains taken in the general construction than formerly. Of course, that is from greater economy in building a first class ship, as compared with an inferior ship.”—(3419-22.)

The build of English ships to stand longest on first letter increases.

“Is not the fact that the proportion of 10 or 12 years' ships has been increasing recently, as compared with others, a proof that the best and dearest ships are ultimately found to be a better pennyworth to the British shipowner than inferior ships? I take it for granted that it is so; and, therefore, that class of ships is being built.”—(3425.)

Such ships are cheapest.

The following table, handed in by Mr. Graham, affords evidence of the increasing confidence felt by shipowners and others interested in the efficiency of the British mercantile marine, that the object of the society in giving encouragement to the original good construction of ships, and their due maintenance, would be strictly carried out.

TOTAL Number of VESSELS (distinguishing the No. in each Class) in Lloyd's Register Book, at the commencement of each of the following Years.

Years.	A.	Æ.	Æ.	E.	I	No Character.	TOTAL.	Observations.
1834	}	not recorded						It has been ascertained, by a careful computation, that on an average the ships classed give a tonnage of about 210 tons each, so that 11,128 ships, will give 2,386,880 tons, rather exceeding one-third of the total tonnage of the mercantile shipping.
1835								
1836	2879	—	2986	790	52	6454	13,161	
1837	3186	—	3672	926	63	3663	11,510	
1838	3702	—	4203	988	69	2456	11,418	
1839	4401	—	3066	974	54	1787	10,282	
1840	5226	—	3301	947	52	2069	11,595	
1841	5961	—	3568	890	54	1856	12,329	
1842	6321	—	3541	848	47	1298	12,055	
1843	6276	921	2436	810	41	1622	12,106	
1844	6025	1027	2379	778	36	1651	11,876	
1845	5879	841	1690	294	5	2014	10,733	
1846	5863	891	2027	326	3	2018	11,128	

No. of each class of vessels on Lloyd's register.

*Memorandum.*—Under the head of “No Character,” a great many ships were included (from Returns furnished by the Board of Customs) for the first four years, which were never surveyed, and consequently their characters never ascertained. Subsequently these vessels were entirely struck out, and the column now shows the number of ships which, having had characters, have since forfeited them, from the want of survey in accordance with the rules, or some other cause.

The column Æ included, between the years 1838 and 1842, all those vessels which had been allowed the asterisk, but they were separated in the year 1843.

So far we have taken the greatest and least formidable of our competitors ; the ships that, next to our own, stood nominally dearest, and those admitted to be the cheapest in the world ; and have found that when tested by the tried and admitted experience of how long a ship is seaworthy, our own are in the end best and cheapest,—just as a pair of shoes costing ten shillings lasting three months, and which could be soled again, would be cheaper than a pair costing five shillings and lasting but one month, and which would not bear mending at all. Possibly, however, it might be pertinaciously maintained, that between the extremes of American and Russian ships, are foreign ships, and as good quality as ours, of cheaper build.

The ships of Hamburg, Sweden, Norway, Denmark, Prussia, France, &c., are of this intermediate class, as to cost. We come to examine how they are built, and how they stand the sea.

#### SHIPS OF MEDIUM COST HAMBURG BUILD.

Hamburg imports Timber, Cordage, Sails, Iron, Copper.

“The timber comes from Silesia, Poland and Bohemia.—The cordage is imported from England and Russia.—The sails are imported from Dundee, sundry other places, and Russia.—The iron is imported almost exclusively from England ; and the copper is imported from England.—Everything is imported into Hamburg ; they grow nothing there for ship building.”—*Mr. Swaine.*—(3107-12.)

England has them all at home.

It is clear then, that so far we have the advantage over Hamburg : we have English oak, iron, cordage, sails and copper at home, all and every of which must be imported by the Hamburg ship-builder, in order to enable him to build an A 1, twelve or ten years ship.

“The wages of shipwrights in Hamburg are low ; the present rate of wages is a fraction under 3s., or a Prussian dollar a day.”—(3113.)

Here, as in the case of the ship, we have to take quality for quality. Mr. Swaine says :

The English do most work for their wages.

“My own opinion is, that the cheap labour of Germany is not at all equal to the labour here. I do not think that there is any economy in the cheapness of labour. I had from forty to fifty wool-sorters in Germany, and I found eventually that I could not sort my

wool so cheaply, paying them the rate of wages which was current there, as I could sort it for in Leeds, paying double the rate of wages."—(3114, 3115.)

And here we quote again Mr. Porter, who says—

"I deny the fact that labour is dear in this country; I consider that labour is cheaper in this country than it is in any other country. As a proof of that, I will mention one or two facts, namely, when they were constructing railways in Germany, labourers were taken over from England to compete against German labourers; the same in France, and in the British colonies in North America, where ships are built apparently very cheaply, labour must be dearer than in this country; and we know that it is so, for persons leave this country, with their labour and all that they have, in order to go there to turn it to account."—(7639.)

Labour not dear  
in England.

Over and over again, people have been misled by statements as to the cheapness of labour on the continent. They are told how many shillings and pence are paid for a-day, but not how much or what sort of work is turned out for the money.

"The British cotton manufacturer, paying 42s. a week to spinners, does actually compete with the manufactured articles which are the produce of the mills of Saxony, where the operatives are paid, as it appears from the same evidence, 2s. 6d. a week."

And one of the largest manufacturers in Lancashire having visited those mills, said there was as much wages in a piece of Saxony cotton as a piece of English.

The truth is, that England competes successfully with the whole world by the economy and excellence of her labour, and it has at length come to be understood that, quantity and quality, work for work, the English workman is the least paid of all workmen in the world.

Mr. J. P. Grieve, a shipwright, who presented himself before the committee to give evidence, says:

"I do not wish to speak in disparagement of the foreigners; but I do not consider that they are as good workmen as the English; I should doubt whether they were so quick, or capable of doing as much work. In cases of emergency you would not get as much work out of them as of English shipwrights."—(8021, 8022.)

What work  
English ship-  
wrights can do  
in urgent cases.

"Within the last six weeks (I had part to do myself) in Messrs. Money and Henry Loftus Wigram's dock-yard at Blackwall, the *Duke of Cornwall*, of 500 tons, and the *Coromandel*, of 600 tons, East India ships, have had the copper stripped off their bottoms, their bot-

toms thoroughly searched, and all necessary repairs done, and caulked and coppered, in five days; the *Baboo*, of 423 tons, unfortunately got on shore in going down the river, was docked, part of both top-sides shifted, about 1000 feet of inside plank and several timbers shifted, her bottom doubled with two-inch plank (not oak, but American elm), from her wales down to her keel, caulked, coppered, and turned out of dock in four weeks. That is the only answer I can give to this honourable committee; as far as regards cases of emergency, I should say, decidedly, that there is no place anywhere, in the Baltic or any other port, where the foreigner ever does an equal quantity of work to that which is done here."—(8011.)

Our shipowners  
can employ any  
workmen.

But the plain fact is, that there is nothing in the Navigation Laws, or any other law, to prevent the employment of foreign artisans in this country, and it is notorious that, while no one of these cheap Saxon cotton-spinners, or Hamburg wool-sorters, or German shipwrights, are employed here at the low money wages, there are English workmen of every sort earning the high money wages all over the continent; and so we dismiss the question of wages.

Cost and quality  
of Hamburg  
ship.

A Hamburg vessel, from 200 to 500 tons, iron-fastened and coppered, costs, ready for sea, about £11. a ton. She stands seven years A 1, and no more. The English ship costs £20. a ton, stands twelve years A 1, and four years more, making sixteen years. The Hamburg ship therefore stands nine years less on the first letter than the English ship; we deduct as before, £1. a ton for each year; and we find the English and the Hamburg ship are the same cost. We have yet to consider the expense of navigation.

3118.

#### PAY PERQUISITES AND PROVISIONS ON BOARD HAMBURG SHIPS.

Mr. Swaine says:

Captain's pay  
and perquisites.

"Take a ship of 350 tons; the captain's wages are £4. 8s. 3d. a month, exclusive of his perquisites. The perquisites of the captain consist of a share of the primage from  $2\frac{1}{2}$  to 3 per cent., a share of the profit of passengers, and the profit of the cabin freight where passengers are not taken, and, in some cases, a share in the freight on bullion, amounting, in one instance, to £7. 10s. per month; but it must be sometimes greater and sometimes less; it is impossible to fix an average; it depends entirely upon circumstances. I should say his perquisites were worth from £5. to £8. a month, according to circumstances."—(3127, 3132, 3128.)

"The chief mate gets £2. 16s. 5d.; the second mate, £2. 2s. 4d.; the carpenter, £2. 2s. 4d.; the cook, £1. 15s. 3d. Four able seamen, who have each £1. 8s. 2½d. per month, making £5. 12s. 11d. together; two ordinary seamen, each £1. 1s. 2d., making £2. 2s. 4d.; and two apprentices at £1. 1s. 3d.: that makes altogether £29. 11s. 1d."—(3133—5.)

The witness states that

"The ships are victualled remarkably well,"—(3136,)

and gives the following

*Sailors' Bill of Fare on board First Class Hamburg Vessels.*

How the men are fed.

Sunday.—Beef, pudding, and stewed prunes, 1 lb. beef per man, and 1 lb. for the mess over.

Monday.—Pork and yellow pease, ¾ lb. pork per man, and 1 lb. for the mess over.

Tuesday.—Beef and grey pease, 1 lb. beef per man, and 1 lb. for the mess over.

Wednesday.—Pork and green pease, or sauer kraut and potatoes; ¾ lb. pork per man, and 1 lb. for the mess over.

Thursday.—Beef, pudding, and stewed prunes, 1 lb. beef per man, and 1 lb. for the mess over.

Friday.—Pork and white beans (haricots), ¾ lb. pork per man, and 1 lb. for the mess over.

Saturday.—Salted or dried fish and potatoes, so long as they can be kept; otherwise pork or beef, and pearl barley or pea soup, 1 lb. beef per man, and 1 lb. for the mess over, or ¾ lb. pork per man, and 1 lb. for the mess over.

Unlimited quantities are served out of the following Articles:

Bread, flour, pease, beans, potatoes. The cook is allowed to use as much of them as the sailors require.

Each man gets one pound of butter per week, and one pound for the mess over. For breakfast the sailors get pearl barley, bread, and coffee.

In the evening, besides tea, the sailors are served with whatever may have been left over at dinner, and also with bread and butter.

In ships where spirits are allowed, each sailor is allowed two drams per day.

In ships where spirits are not allowed, the sailors get an extra allowance of tea.

N.B.—Where bread is served out in rations, the sailors are allowed seven lbs. per week each.

*Hamburg, 29th March, 1847.*

The foregoing bill of fare is certified by two masters of Hamburg vessels, viz.: (Signed)

JURGEN DAN, *Barque Alfred.*

F. HAGANDEWELDT, *Brig Antoni.*"

"The cost of victualling for one month is £25. 18s. 10d., exclusive of a small charge for wine in the cabin."—(3140.)

There is a constant endeavour to create an impression that foreign ships are miserably found and victualled. The following questions and replies may serve to test the accuracy of such statements.

Cost of navigating the *Victoria* of Hamburg.

Assertion  
£37. 10s. per month.

Fact  
£62. 13s. 8d.

"It was stated in a public meeting by Mr. Driffield, that the cost of manning and victualling the bark *Victoria*, of Hamburg, of 397 tons, was £37. 10s. per month; is that correct?—This is the identical vessel alluded to."—(3142.)

That would make it considerably more than £37. 10s. ?—It makes £62. 13s. 8d. a month, calculating the perquisites of the captain at £5. only per month."—(3143.)

"Is that the opinion of the owner of the ship?—I have it under his hand and seal."—(3144.)

"You have it under his hand and seal, that this vessel, which was stated by Mr. Driffield to be manned and victualled at £37. 10s. a month, costs £62. 13s. 8d. a month; is that so?—That is the case, estimating the captain's perquisites at only £5."—(3145.)

And the witness confirmed his evidence by putting in the original tradesmen's bills for the articles mentioned in the above table. With the above evidence before us, we cannot think that English shipowners have much to fear from Hamburg.

#### SWEDISH BUILD.

Sweden imports every thing for build of ships.

It is needless that we should go into details of the build of Swedish ships. If built in the north, they import the oak from Prussia. If in the south, they have it at home, but with dearer labour than in the north. Anchors, chains, iron, rigging, and all the iron-work afloat, are generally imported from England.—1865-1872.

All equipment from England.

"The Swedish shipowner would prefer, if it was free of duty, to have the whole of the equipment of the hull from this country. He would prefer to have his anchors, and chains, and cordage, and sails from this country; in fact, if the Swedish shipowner could send the mere hull over here to fit her here, he would do so, because the fittings can be procured in this country much cheaper than he could get them in that country."—(1882.)

The duty, however, prevents their importation, and so it has become

"The general practice to equip vessels very lightly in Sweden

to make their voyage here, and then they take in the remainder of their rigging, sails, and so on. It is very much the case in Sweden, because there is a duty upon almost all those articles if imported into the country, whereas if a vessel comes here barely equipped, and supplies herself in England with those things, they are able to avoid paying the duty, therefore the Swedish shipowner immediately sends his vessel on her first voyage to England, where he can get her equipped."—(1874.)

Vessels equip lightly in Sweden, and complete their equipment in England.

There can, therefore, be no doubt that we have the advantage of the Swede. We have it from Mr. Graham, that

"A ship built of Dantzic oak timber and plank, would be entitled to seven years and could not have any more."—(1458.)

The Swedish timber is no better than the Prussian; so that if the Swede is to have as good a ship as an English the term first letter, he must import from England, Africa, India, North or South America—as the case may be—English, African, or live oak, teak, Morung Saul, greenheart, or Mora; without one or other of these, he cannot build an A 1. ten years' ship.

"The total cost of a Swedish ship adapted for a long voyage would be about £10. a ton."—(1907.)

Total cost of Swedish ships.

#### COST OF NAVIGATION.

Mr. William Tottie, the Swedish Consul, states that

"The captain of a vessel of 450 tons, has in wages forty Swedish dollars a month, that is £3. 6s. 8d. a month; he has, in addition to that, twenty-four dollars, or £2. sterling a month for extras for his cabin; he has also five per cent. on the gross amount of all freight earned by the ship. He has the permission to carry passengers, taking the profit to himself, in his own cabin, and if he likes to load his own cabin he may do so, and take the profit of it. Then he has also permission on all occasions to take twenty tons on every voyage for his own profit; and he may use the ship's provisions if he likes, which I have no doubt he does. So that in a vessel of 450 tons, the captain's earnings amount to about £28. a month, if the ship were at sea only nine months in the year."—(1890, 1891.)

Captain's pay and perquisites.

Of course if she were longer, his perquisites would produce a larger amount; but the Swedish ships are ice-bound for three months in the year.

As to the remainder of the officers and crew:

"The first mate has £2. a month, the second mate has £1. 10s. a month, the carpenter has £1. 16s. 8d. a month, the boatswain has

Petty officers and seamen.

£1. 8s. 4d. a month ; there are six sailors at 25s. a month, three inferior sailors at £1. 1s. 8d., three young boys at 18s. 4d. a month, and the cook at £1. 3s. 4d. a month. That would make £55. 19s. 4d. as the cost per month of the ship.”—(1902, 1903.)

Then as to the victual of the ship.

How Swedish ships are provisioned.

“For breakfast there is barley porridge, as much as the crew can eat ; and butter, which they generally take with this, is given to them at the rate of 1½lb. a week each man. They have as much rye bread as they can eat, and prefer it.”—(1908-11.)

“The men are also allowed a glass of Swedish corn brandy in the morning, but the men have preferred it, and the captain allows them two Swedish rix-dollars a month instead, that is 2s. 2d. ; for dinner they have, alternate days, one day a pound of beef clear of bone, and another three-quarters of a pound of pork clear of bone. While in port or at sea, as long as they can, they are allowed fresh meat instead of salt meat. They are also allowed with this meat pea-soup as much as they can eat, and bread as much as they like ; and in the evening they have tea or pea-soup and bread.”

No truth in the statement as to black bread and train oil.

The statements, therefore, of the miserable food on board these North ships—the wretched half starvation of the men—the black bread and train oil, and so forth, are pure romance. Mr. Tottie says :

“They are certainly not true as regards the Swedish and Norwegian seamen, for I have seen English seamen who have been on board Swedish and Norwegian vessels, and they have never made a complaint ; in fact, on board this ship there was a Swedish seaman who had been fourteen years on board English or American ships, and he preferred this rye bread.”

American ships are the best provisioned, Swedish next.

“Comparing the provisions in the different ships, which did he think was the best?—The American, and the next he said was the Swedish. The cost per head of victualling the men is about 1s. a day, English.”—(1914-16.)

Number and tonnage of Swedish ships.

In 1846, the whole number of Swedish coppered ships, and they are the only ones fitted for long voyages, were 162, amounting to 42,086 English tons.—(1975.)

The Swedes sell ships to Denmark and Hamburg.

The Swedes build ships for Denmark and Hamburg, and it may therefore be taken for granted that those countries cannot build for themselves at less cost. Swedish sailors are in great demand, both in English and American ships. The Americans have a good many of them—we very few, though we might take one-fourth of a crew of them, or they might at



little trouble, and without any cost, become naturalized. Our pay, however, is not good enough to tempt them, or if it be, our shipowners find it cheaper to employ Englishmen. In fine, says Mr. Tottie :

Swedish sailors would without any expense be naturalized, and serve on board English ships.

*"I do not think that Swedish vessels are navigated more cheaply than English vessels."*—(2150.)

"Are there not instances of Swedish ships of late years having come to this country, previous to a long voyage, for the purpose of getting part of their stores here ?—I cannot say what part of the stores they get, but many Swedish vessels have come here, especially new vessels, to be equipped, and they have taken part of their provisions from here. Vessels built for long voyages, oak-built coppered vessels, generally come here their first voyage."—(1917.)

Swedish ships lay in stores in England.

The witness put in bills for provisions and various articles supplied to Swedish ships in English ports.

#### SHIPS OF NORWAY.

"In Norway they have of late years commenced quite a new system of ship-building. Formerly they used to build their vessels very cheaply, and in a very inferior manner, principally of wood the produce of Norway ; whereas now almost all the vessels built in Norway of late years are built of oak, and in a very expensive way, comparatively speaking ; so that old Norwegian vessels, when compared with new ones, were far less expensively constructed."—(1992.)

They Norwegians have improved their build of ships and import timber.

In fact, the Norwegians, like ourselves, have found out that in the long run the ship that at first costs most, turns out the cheapest. They have found out that frequent losses, and almost constant repairs, eat up a larger sum in the life of a ship than the difference between the cost of Norwegian or Prussian oak, and Norway pine.

All their anchors and chains are imported from England, and there is a heavy duty upon them, amounting to about 67s. 6d. a ton.—(2002, 2203.)

They also import and pay duty on iron.

The sails or sailcloth are imported from Scotland, and also pay a duty.—(1992.)

Sails and copper.

The copper bolts are brought from England, and pay a duty of a penny farthing the pound ; and if the ship were to be coppered, she would in all probability be sent to England for the purpose, the duty on copper sheathing being also a penny

(2016.)

(2020.)

farthing a pound. The Norwegian Navy Board have been lately inquiring for Quebec fir for internal fittings, and African teak for hulls, in England.—(2008, 2209.) Mr. Tottie says :—

Total cost of  
Norwegian  
ship.

“ I have before me the case of a Norwegian vessel called the *Dovre*, of 258½ Norwegian lasts, that is 541 tons register ; I have the captain’s authority for saying that the anchors, chains, and the whole of the iron-work for this vessel was bought in London, of Browne, Lennox, and Company, and the cordage was imported from Amsterdam, and the sails or sailcloth from Scotland ; this vessel cost, when she was ready for sea, 28,000 Norwegian specie dollars ; each specie dollar is 4s. 6d. sterling ; that would be £6,200. English ; that is £11. 10s. a ton. She is built of oak, partly copper-fastened, and partly iron.”—(1992–4.)

Dearer than  
English.

The price of this ship is 10s. a ton more than that of the Hamburgh ship, and it lasts the same time ; so that, calculated in the same manner, the English ship is 10s. a ton cheaper than the Norwegian. It is needless, therefore, to give further proof that Norway has no advantage over England in the build of ships.

#### PAY AND PROVISIONS ON BOARD NORWEGIAN SHIPS.

The witness goes on to state what are the wages of Norwegian seamen, beginning with the chief officer, and going down to the common seaman ; he says—

Captain’s pay  
and perquisites.

“ I have taken the case of the *Dovre* ; the captain on board this vessel has forty Norwegian specie dollars a month, a specie dollar being 4s. 6d., is £9. ; he has, in addition to that, three per cent. prime upon her freights ; if freights are good he has five per cent. ; when freights are bad, under a certain standard, he has three per cent. ; at present he has five per cent., and he has, in addition to that, the privilege of carrying, depending upon the length of the voyage, from ten to twenty tons of stowage.

“ Then his perquisites, in that respect, amount as nearly as possible to the perquisites of a Swedish captain ?—Very nearly the same, or rather more I think they are ; the monthly pay is more ; when he has five per cent. prime it would be the same as the Swedish captain has.

“ He gets £9. a month, while a Swedish captain would get £5. 10s. ?—The Swedish captain has £5. 10s., including the cabin allowance ; this captain has nothing for his cabin.

“ The Norwegian captain has £9. a month as against the Swedish captain’s £5. 10s., and he has other perquisites : the Swedish

captain has a certain right of stowage upon all voyages, but the Norwegian captain has only the broken stowage; for example, coming from Sweden with a cargo of timber, he has the broken stowage; he is allowed to carry from ten to twenty tons.

"As regards the other officers on board a Norwegian ship, what do they receive!—The first mate has sixteen specie dollars, that would be £3. 6s. 8d. a month; the second mate has  $7\frac{1}{2}$  dollars, that would be £1. 13s. 4d. a month; the boatswain the same, and the carpenter the same. There are eight seamen on board, who have each  $6\frac{1}{2}$  Norwegian dollars, that will be £1. 6s. 8d. a month; there are three inferior seamen at  $4\frac{1}{2}$  dollars, exactly £1. a month; and there are two boys at three dollars, that would be 16s. 8d. each.

Mates and men.

"So that, upon the whole, the cost of navigating a Norwegian ship would be greater than the cost of navigating a Swedish ship?—Decidedly; every thing is more expensive in Norway than in Sweden.

"As regards the scale of provisions for a Norwegian ship, how does that stand?—I have taken the daily rations of this vessel. I see on Sunday morning the captain begins his week by giving them for breakfast coffee and bread and butter; of the butter they have  $1\frac{1}{4}$  lb. a week; of bread and coffee as much as they can consume; then for dinner  $1\frac{1}{4}$  lb. of beef, clear of bone, and pea-soup as much as they like. They are also allowed to drink as much ale as they can consume during the day, or rather small beer, for which I understand the price in Norway is about 4d. a gallon. They have in the afternoon, at four o'clock, coffee and bread and butter again; and they have in the evening pea-soup again and bread; if they can make their  $1\frac{1}{4}$  lb. of butter last, they have butter with it. Then on Monday they have coffee as before; for dinner they have  $\frac{1}{2}$  lb. of pork, clear of bone, and barley porridge with it; in the afternoon and evening the same as on Sunday, and they go on the same through the week on alternate days.

Daily bill of fare  
in Norwegian  
ships.

"They have meat one day and pork another?—Yes, with the exception that on Friday and Saturday they have the same food; so that they get pork on four days of the week, and meat three days; but the Norwegian pound is ten per cent. heavier than the English.

"Is the cost of provisions in Norway greater than in Sweden?—Yes, it is; Norway being, and having always been, a corn-importing country, it has kept the price of provisions up. They import a good deal of corn and provisions from Denmark.

"The case of this vessel which you have just given is not a particular case?—No; I have had several Norwegian vessels here, and I have inquired of several of the captains. Some captains commanding smaller vessels would have lower wages; but generally this is the scale.

"Have the seamen always as much beer as they can drink?—So I

have always understood; and I have been on board those vessels and observed that whenever they wished, they have gone to the beer-barrel on the deck."—(2021-31.)

We leave it to our English seamen to study this bill of fare, and say whether their stores are better, or rations more liberally given.

#### PRUSSIAN SHIPS.

Mr. Edward Berger says—

Prussia can neither build ships nor navigate them more cheaply than England.

"My knowledge of Prussian ships leads me to believe that a Prussian ship cannot be sailed more cheaply than an English vessel. I can show the Committee the grounds on which I form that opinion. A Prussian vessel cannot be sailed permanently and equipped cheaper than an English;\* in fact, Prussian vessels cannot come into competition with English vessels permanently, on account of the natural disadvantages under which the Prussian vessels labour, their ports being closed up for three or four months in the year with ice; there being, therefore, an amount of the sinking fund which must be laid by, and an amount of interest on account of that ship for those three or four months for which she cannot run, and which must be carried in eight or nine months, that makes more than the apparent difference in the cost of the ship. In my opinion there is no difference in the cost of the ship, but it makes more than the apparent difference in the wages of the crew and the victualling. But there is a great misapprehension afloat as to the cost of victualling: instances are given of victualling at 1s. 8d. a day; but if you take into consideration the ten per cent. sinking fund which has to be set apart, and five per cent. interest for three or four months, with one per cent. extra for keeping the ship during the winter months clear of ice, you have £100. upon the average per ship, which has to be earned in nine months, beyond that which an English ship has; and you will find that those extra expenses under which the Prussian ships labour, make up for any difference between the wages of the respective crews, taking also into consideration that a Prussian vessel takes twenty-five or twenty more sailors than an English ship."—(1864.)

Prussian marine has increased without Navigation Laws.

We have a Navigation Law against Prussia, and she against us; but beyond ourselves they allow free navigation to all.

"They being, in fact, without any Navigation Law whatever, their navy has increased, notwithstanding that free competition which they allow in their ports to all ships."—(1862.)

\* As to the comparative cost of build of Prussian and English ships, see Appendix letter of Joshua Wilson, a Sunderland merchant and shipowner.

As to Dantzic ships, Mr. Graham says—

“I may here mention a very curious fact which came to my knowledge yesterday, from our surveyor at Sunderland, who undertook to prove that he could import Dantzic oak, for instance, and build a ship at Sunderland cheaper than they could build a ship at Dantzic.

A ship could be built of Dantzic oak at Sunderland cheaper than at Dantzic.

“Have you any objection to give the name of that gentleman?—Mr. Brunton, Lloyd’s surveyor at Sunderland.

“That referred to the same quality of ship?—Yes.”—(3455-3457.)

#### THE SHIPS AND PORT OF BREMEN.

As to Bremen, Mr. Goschen gives the whole case in a few words:

“They have no protection whatever; they have the most miserable river to deal with that they can possibly have; they cannot bring the ships to their own town, but they must unload the vessels at a considerable distance from their town, and lighter up their goods; and when they have the goods there, the greatest difficulty exists again in getting them into the interior, because the river is so shallow that sometimes for three months in the year they have not been able to move a thing by water; and, notwithstanding all those obstacles and great difficulties, with no protection and no assistance of any kind, they build ship after ship, and they are able to carry on a lucrative and very good trade, entirely owing to their intelligence, to their activity, and to the great knowledge that they possess of their business.

No Navigation Law—great natural difficulties to contend against.

They drive a good trade.

“The way in which the ships are navigated, and especially the superior education of their captains, and the greater care which is taken generally of the cargo, have a great influence; it has made the ships favourites, and caused an increase of their number, and enabled them to withstand competition from their neighbours who build cheaper.

Their ships are favourites.

“The necessity of competing with ships of all other nations has induced this superior attention to the education of their captains and the manning of their ships.”—(3967, 3968.)

Their captains and men well educated.

Bremen, Mr. Colquhoun tells us, has in all 227 vessels; and yet this little marine, working by desperate energy its way in the face of great natural difficulties, is spoken of as if it were a rival too powerful for England to compete with.

## THE SHIPS OF HOLLAND.

Mr. Young gives the cost of Holland ships at £14. a ton ;  
and Mr. Samuel Browning says—

They import all  
the materials of  
shipbuilding.

“In practice the English certainly do compete successfully with the Dutch. Last summer I was in Harlingen, and I went to a ship-building yard in company with a leading merchant of Harlingen, and I inquired the price of building a ship, and he said, ‘We have to import all our materials ; our copper, our wood, our coals, and everything ; and the consequence is, that as this is a heavily taxed country, we find it quite impossible to compete with you in England.’ The best proof that we can compete successfully in shipbuilding is, that we in fact command the trade.”—(843, 1182.)

They cannot  
compete with  
us ; we com-  
mand their own  
trade.

## THE COMMERCIAL MARINE OF FRANCE.

Cost of French  
ships.

The cost of French ships, as estimated by Mr. Young, is  
£13. 10s. a ton.

A strict Naviga-  
tion law.

“The French have a very strict Navigation Law, and have had ever since 1825 ; but the tonnage belonging to the ports of France has not increased at all ; it has rather diminished than otherwise. The genius of the people is not so strong in favour of maritime pursuits as the genius of the people of this country ; and whatever Navigation Law they may have would not make so great a difference, for they do not depend upon trade and commerce as we do ; they have not the same enterprise nor the same capital.”

The tonnage has  
not increased.

Mr. Porter, in answer to the question, “Have you any notice of any transaction in which French vessels were to carry goods contracted for in this country ?” says,

They cannot  
carry so cheaply  
as we do.

“I have seen advertisements calling for a supply of coals, to be delivered in Algiers ; one condition of the advertisement was, that they should be carried in French vessels ; and I have heard, as the result of that condition, that the French government paid for the coals much dearer than they had paid the preceding year.”—(7651, 7652, 7658, 7659.)

The French ships could not carry them so cheaply as ours. Like every country but our own, France has to import almost the whole of every article used in the build and fitting of a ship. And the fact seems to be that France, with the strictest Navigation Law, has a most miserable commercial marine. In

1846 France had 13,679 ships, of the tonnage of 604,637 tons. That included vessels of all sizes; by far the largest proportion of them were under sixty tons, and, therefore, were simply coasting vessels, and not vessels employed in the foreign trade. The average of tonnage to the ships is rather under eighteen tons to each, so that the number must include the very fishing boats. In England, 11,128 ships classed on Lloyd's list, give 2,336,680 tons; being about 210 tons to each. This is enough to show that, from whatever quarter the overwhelming competition is to come, France is not in a condition, and has not yet shown the capability of taking much part in it. A further proof of our superiority is to be learned from the fact, that in 1846, of all the tonnage inwards at our ports, 70·39 per cent. was British, and 29·61 per cent. foreign. In 1844, of all the tonnage entering French ports, 33·34, or one-third, was French, and two-thirds foreign.

No. and tonnage  
of French ships.  
G. R. Porter.  
7633.

Foreign ships in  
English ports.

G. R. Porter.  
7600.

## FOREIGN SHIPS IN THE PORTS OF FRANCE.

No. 11.—STATEMENT, showing the NUMBER and TONNAGE of French and Foreign Vessels that entered the ports of France in each Year, from 1825 to 1844, showing also the Centesimal Proportions of French to Foreign Tonnage:—

YEARS.	FRENCH.		FOREIGN.		TOTAL.		Centesimal Proportion.	
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	French.	Foreign.
1825	3,387	329,735	4,218	414,670	7,605	744,405	44·29	55·71
1826	3,440	355,776	4,910	543,682	8,350	899,458	39·55	60·45
1827	3,350	353,102	4,439	475,509	7,789	828,611	42·61	57·39
1828	3,465	346,591	4,728	527,639	8,193	874,230	39·64	60·36
1829	3,048	331,049	5,070	581,755	8,118	912,804	36·27	63·73
1830	3,236	340,171	5,169	669,283	8,405	1,009,454	33·70	66·30
1831	3,375	333,216	3,951	461,194	7,326	794,410	41·94	58·06
1832	4,290	399,948	5,651	714,638	9,941	1,114,586	35·88	64·12
1833	3,561	358,157	5,115	622,735	8,676	980,892	36·51	63·49
1834	3,965	394,486	6,124	736,918	10,089	1,131,404	34·87	65·13
1835	4,001	407,999	6,360	766,033	10,361	1,174,032	34·75	65·25
1836	4,692	484,986	7,099	889,345	11,791	1,374,331	35·29	64·71
1837	5,273	584,451	7,127	910,129	12,400	1,494,580	39·10	60·90
1838	6,081	657,084	8,006	1,014,740	14,087	1,671,824	39·33	60·67
1839	6,955	705,756	7,822	979,324	14,777	1,685,080	41·88	58·12
1840	6,764	665,178	8,676	1,076,737	15,440	1,741,915	38·19	61·82
1841	6,030	630,071	9,244	1,193,289	15,274	1,823,360	34·55	65·45
1842	5,712	610,265	10,372	1,353,261	16,084	1,963,526	31·08	68·92
1843	6,106	639,637	10,305	1,376,260	16,411	2,015,897	31·70	68·30
1844	6,392	679,066	10,070	1,357,789	16,462	2,036,855	33·34	66·66

7650.  
Paper handed  
in by G. R.  
Porter.  
No. 11.

## FOREIGN SHIPS IN THE PORTS OF ENGLAND.

No 4.—STATEMENT of the TONNAGE of Vessels, distinguishing British from Foreign, and showing the Proportions of each that Entered and Cleared from Ports in the United Kingdom, in each Year, from 1820 to 1846.

YEARS.	ENTERED.					CLEARED.					TOTAL.				
	British.		Foreign.		Total.	Centesimal Proportions.		British.	Foreign.	Total.	Centesimal Proportions.		British.	Foreign.	Total.
	Tons.	Brill.	Tons.	For.		Tons.	For.				Tons.	Brill.			
1820	1,688,060	447,611	2,115,671	78 84	21-16	1,549,508	433,328	1,982,836	78 14	21-86	3,217,568	880,939	4,098,507	79 50	21-50
1821	1,599,274	396,266	1,995,530	80-14	19-86	1,488,644	383,786	1,872,430	79-50	20-50	3,067,960	780,042	3,847,960	78-50	21-50
1822	1,664,186	469,151	2,133,337	78-22	22-78	1,539,260	457,542	1,996,802	77-08	22-92	3,203,446	926,693	4,130,139	77-56	22-44
1823	1,740,859	592,996	2,323,855	74-91	25-09	1,546,976	563,571	2,110,547	73-29	26-71	3,287,835	1,146,867	4,434,402	74-14	25-86
1824	1,797,320	759,441	2,556,761	70-29	29-71	1,657,533	746,707	2,404,240	68-94	31-06	3,454,853	1,506,148	4,961,001	69 64	30-36
1825	2,144,698	988,132	3,102,730	69 12	30-88	1,793,994	905,520	2,699,514	66 45	33-55	3,938,592	1,863,652	5,802,244	67-88	32-12
1826	1,950,630	694,116	2,644,746	73-75	26-25	2,737,425	692,440	2,429,865	71-50	28-50	3,688,055	1,386,556	5,074,611	72-37	27-63
1827	2,086,898	751,864	2,838,762	73-48	26-52	1,887,682	767,821	2,655,503	71-08	28-92	3,974,560	1,519,686	5,494,266	72-34	27-66
1828	2,094,357	634,620	2,728,977	76-74	23-26	2,006,397	608,118	2,614,515	76-74	23-26	4,100,754	1,942,738	5,343,492	76-74	23-26
1829	2,184,525	710,303	2,894,828	75-46	24-54	2,063,179	730,250	2,793,429	73-85	26-15	4,274,704	1,440,553	5,688,257	74-67	25-33
1830	2,180,042	768,828	2,938,870	74-17	25-83	2,102,147	753,368	2,855,515	73-48	26-52	4,282,169	1,517,196	5,799,365	73-84	26-16
1831	2,367,322	874,605	3,241,927	73-02	26-98	2,300,731	896,051	3,196,782	71-97	28-03	4,668,053	1,774,856	6,442,709	72-37	27-63
1832	2,182,980	639,979	2,822,959	77-35	22-65	2,229,269	651,223	2,880,492	77-38	22-62	4,415,249	1,291,202	5,706,451	77-37	22-63
1833	2,183,314	702,085	2,945,899	74-13	25-87	2,244,274	758,601	3,002,875	74-72	25-28	4,428,088	1,520,886	5,948,774	74-43	25-57
1834	2,298,263	833,905	3,132,168	73-37	26-63	2,296,325	852,927	3,149,152	72-71	27-29	4,594,568	1,686,732	6,281,380	73-14	26-86
1835	2,442,734	866,990	3,309,724	73-77	26-23	2,419,941	905,270	3,325,211	72-77	27-23	4,862,675	1,772,260	6,634,935	73-29	26-71
1836	2,505,473	988,899	3,494,372	71-70	28-30	2,531,577	1,035,120	3,566,697	70-97	29-03	5,037,050	2,024,019	7,061,069	71 33	28-67
1837	2,617,166	1,006,940	3,624,106	72-23	27-77	2,547,227	1,036,738	3,583,965	71-07	28-93	5,164,393	2,042,678	7,207,071	71-66	28-35
1838	2,785,387	1,211,660	3,997,047	69-68	30-32	2,876,236	1,222,803	4,099,039	70-17	29-83	5,661,623	2,434,463	8,096,086	69 93	30-07
1839	3,101,650	1,331,365	4,433,015	69-96	30-04	3,096,611	1,398,096	4,494,707	68-89	31-11	6,198,261	2,729,461	8,927,721	69 42	30-58
1840	3,197,601	1,460,294	4,657,795	68-65	31-35	3,292,984	1,488,968	4,781,952	68-86	31-14	6,490,485	2,949,182	9,439,667	68 76	31-25
1841	3,361,211	1,291,165	4,652,376	72-24	27-76	3,429,279	1,336,982	4,766,171	71 95	28-05	6,790,490	2,628,057	9,418,547	72 09	27-91
1842	3,294,725	1,205,303	4,500,028	73-21	26-79	3,375,270	1,252,176	4,627,446	72-94	27-06	6,669,995	2,457,479	9,127,474	73 07	26-93
1843	3,645,346	1,301,960	4,947,296	73 14	26-86	3,636,532	1,341,433	4,977,966	73 04	26-96	7,181,179	2,643,363	9,824,562	73-09	26-94
1844	3,647,463	1,402,138	5,049,601	72 23	27-77	3,652,931	1,444,346	5,297,168	72 73	27-27	7,500,265	2,846,484	10,346,769	72 69	27-31
1845	4,310,689	1,735,079	6,045,718	71-30	28-70	4,235,451	1,796,136	6,031,687	70-22	29-78	8,546,090	3,631,215	12,077,305	70-76	29-24
1846	4,294,733	1,806,282	6,101,015	70-39	29-61	4,393,415	1,921,166	6,314,571	69-57	30-43	8,688,148	3,727,438	12,415,586	69-97	30-03



We give a similar table as to the United States. There, as in our own case, the home tonnage entering exceeds the foreign ; but in our case, year by year shows a greater proportion of British ; in theirs, year by year, a less proportion of American.

"The proportion of foreign ships to American ships, is greater than in our trade the proportion is between foreign and British ships ; and there is this further remark, that the proportion of foreign tonnage, as compared with American, appears to be upon the increase. In 1821 it was 9·63, somewhat under ten per cent. ; it is now 31·68 per cent., and it seems to have gone on increasing with tolerable regularity."

English tonnage  
in English ports  
increases foreign  
tonnage in  
American.

## FOREIGN SHIPS IN THE PORTS OF AMERICA.

No. 10.—STATEMENT of the TONNAGE of Vessels, American and Foreign, with the per-centage Proportions of each, which entered at Ports in the United States, in each Year, from 1821 to 1844.

G. R. Porter.  
No. 10.

YEARS, ending 30th September.	TONNAGE.			Per-centage Proportions.	
	American.	Foreign.	TOTAL.	American	Foreign.
1821	765,098	81,520	846,618	90·37	9·63
1822	787,961	100,541	888,502	88·69	11·31
1823	775,271	119,468	894,739	86·65	13·35
1824	850,033	102,367	952,400	89·25	10·75
1825	880,754	92,927	973,681	90·46	9·54
1826	942,206	105,654	1,047,860	89·92	10·08
1827	918,361	137,589	1,055,950	86·97	13·03
1828	868,381	150,223	1,018,604	85·26	14·74
1829	872,949	130,743	1,003,692	86·97	13·03
1830	967,227	131,900	1,099,127	88·00	12·00
1831	922,952	231,948	1,204,900	76·60	23·40
1832	949,622	393,038	1,342,660	70·73	29·27
1833	1,111,441	496,705	1,608,146	69·12	30·88
1834	1,074,670	568,052	1,642,722	65·42	34·58
1835	1,352,653	641,310	1,993,963	67·84	32·16
1836	1,255,384	680,213	1,935,597	64·86	35·14
1837	1,299,720	765,703	2,065,423	62·93	37·07
1838	1,302,974	592,110	1,895,084	68·76	31·24
1839	1,491,279	624,814	2,116,093	70·48	29·52
1840	1,576,946	712,363	2,289,309	68·89	31·11
1841	1,631,909	736,444	2,368,353	68·91	31·09
1842	1,510,111	732,775	2,242,886	67·32	32·68
1843	1,443,523	534,752	1,978,275	72·98	27·02
1844	1,977,448	916,992	2,894,430	68·32	31·68

## British ships in the United States.

Large proportion  
of British ships  
to whole foreign  
in ports of  
United States.

"But with reference to British ships, the proportion which British tonnage bore to the whole foreign tonnage entering the ports of the United States, was very large; in no one year between 1821 and 1844, has it been less than 53·41 per cent., and sometimes above eighty per cent.; in the last year of the series, 1844, the proportion was 83·61 of the whole tonnage not American entering the ports of America."—(7647.)

## BRITISH SHIPS IN THE PORTS OF AMERICA.

No. 9.—STATEMENT of the Amount of TONNAGE that Entered the Ports of the United States of America in each Year, from 1821 to 1844, distinguishing American, British, and other Foreign Shipping, and showing the Proportion which the British Shipping bore to the whole of the Tonnage not under the National Flag.					
YEARS.	TONNAGE.				Proportion of British to Total Foreign Tonnage.
	American.	British.	Other Foreign.	TOTAL.	
					Per Cent.
1821	765,098	52,976	28,544	846,618	64·98
1822	787,961	80,940	19,601	888,502	80·50
1823	775,271	86,009	33,459	894,739	71·99
1824	850,033	54,682	47,685	952,400	53·41
1825	880,754	63,034	29,893	973,681	67·83
1826	942,206	82,117	23,537	1,047,860	77·72
1827	918,361	101,470	36,119	1,055,950	73·74
1828	868,381	98,851	51,372	1,018,604	65·70
1829	872,949	86,158	44,585	1,003,692	65·89
1830	967,227	100,298	31,602	1,099,127	76·04
1831	922,952	239,502	42,446	1,204,900	84·94
1832	949,622	311,569	81,469	1,342,660	79·27
1833	1,111,441	402,730	93,975	1,608,146	81·08
1834	1,074,670	453,495	114,557	1,642,722	79·83
1835	1,352,653	529,922	111,388	1,993,963	82·63
1836	1,255,384	544,774	135,439	1,935,597	80·08
1837	1,299,720	543,020	222,683	2,065,423	70·91
1838	1,302,974	484,702	107,408	1,895,084	81·86
1839	1,491,279	495,353	129,461	2,116,093	79·28
1840	1,576,946	582,424	129,939	2,289,309	81·75
1841	1,631,909	615,623	120,821	2,368,353	83·59
1842	1,510,911	599,502	133,273	2,243,686	81·81
1843	1,443,523	453,894	80,858	1,978,275	84·87
1844	1,977,438	766,747	150,245	2,894,430	83·61

England has  
nothing to fear  
from a free sea.

If this last table stood alone, it should be enough to satisfy every one that we have nothing to fear from a free sea. Of all the foreign vessels entering United States ports, more than five-sixths are English ships; and yet, as compared with most of those foreigners, our ships trade to the United States at a

disadvantage. Most of them have greater freedom of carriage than we have, our own Navigation Law being adopted by the Americans against us. And looking at the evidence we have collected so far in this chapter, no other result could be expected than that we should be found to surpass all foreigners. We have the advantage of them in iron, copper, cordage, sails, and timber.

In addition to all these advantages, our own colonies can produce the cheapest inferior class, and the longest lasting best-class ships in the world. There is no cheaper ship than the Canadian; no such ship for sea as that built at Calcutta or Bombay, from the teak of our own possessions. In Australia also,

The Colonies of England can produce the cheapest inferior class and best first-class ships.

"In the Swan River they have one great advantage for shipbuilding, in regard to a wood that is very little known in this country, the Jarrah wood. The Admiralty know the wood, and have given an order for 200 loads to be delivered into the dockyard at Portsmouth. That wood has this extraordinary feature, that ships built of it do not require coppering. No marine insect, neither the white ant, the barnacle, nor the sea-worm will touch it. They can cut a plank of any size, and the trees grow quite down to the water's edge; I have seen them growing to within a foot of the beach; so that a shipbuilder here can give orders to get the wood there; and they have enough timber and knees of the best kind to supply our navy to the end of time."—(913.)

Ships of Australian Jarrah wood.

So that if the British shipowner fear the cheap Finland ship, he can set in competition with it the still cheaper Canadian. If Austria should set herself to raise up a commercial marine from Adriatic oak, the British shipowner can meet him with the almost everlasting teak-wood ship of East Indian build; or, if in France there should suddenly spring up a spirit of commercial and maritime enterprise, and the French oak should be floated in a thousand ships to struggle for the trade of the world, the British shipowner could meet them with the ships of Australian Jarrah-wood, cut at the very water's edge, close to the ship, as she was built.

But, if still it be insisted that all these proved advantages are unreal; that practically it is no advantage to have English oak and elm for crooked timbers without importing it; that

Let our ship-owners buy their ships where they can get them cheapest.

the English shipowner derives no benefit from England being the great importer and storehouse of all the other first-class timbers ; that it is no gain to have the iron at hand—the copper, cordage, sails ; that there is no advantage in having the ship built where the chains are cast and the anchors forged for nearly all the world ; still there is a remedy. If the ship can be built cheapest at a distance from timber, copper, iron, sails and cordage, our shipowners can buy them wherever they are built. Our proposition is, that they should have perfect liberty to go to the cheapest market for their ships, and buy them with those commodities which England can produce in most abundance and at the greatest advantage.

But in fact, if our shipowners so dread competition they should have Parliament determine what class of ship shall be built in England and her colonies ; some means should be taken to make every British ship that floats cost the same per ton. London should not be exposed to competition with the ships of Sunderland, nor those of Sunderland to competition with Canada. Nor is this all ; Parliament should further determine how many ships shall trade in each direction ; how many and of what tonnage along the coast ; how many from colony to colony ; what tonnage from England to each colony in the north and south and east and west ; how many ships shall sail in every direct and cross path of foreign trade ; their rate of sailing too should be determined, or if one did arrive earlier it should be compelled to wait without discharging cargo until the slower sailer came. Moreover every one, before he laid a ship upon the stocks, should be required to come before Parliament, and prove that he could find traffic for his ship without taking anything from any other shipowner, or in the least degree lowering freights.

#### ENGLISH SHIPS DO NOT CARRY A GREATER NUMBER OF SEAMEN THAN FOREIGN.

Next in public currency to the assertion that foreign ships are built for less than ours, is the belief that we carry more men on board than they. The following table shows that we

do not; and it should be borne in mind that the numbers given to our tonnage include apprentices, who form about one-eighth of the whole number set down as seamen.

No. 7.—STATEMENT of the SHIPPING employed in the Trade (Inwards) of the United Kingdom, with the different Countries of Northern Europe and the United States of America, in each of the Years 1844, 1845, and 1846; separating British from Foreign Vessels, and showing, with respect to each, the Tonnage and the Numbers of the Crews employed in navigating the Ships, with the proportionate Number of such Crews to each 100 Tons of Burthen.

COUNTRIES with which the Trade was carried on.	BRITISH.				FOREIGN.			
	Ships.	Tons.	Crews.	Proportion of crews to 100 tons.	Ships.	Tons.	Crews.	Proportion of crews to 100 tons.
Russia . .	{ 1844 1,799	351,215	15,361	4.37	212	53,667	2,417	4.50
	{ 1845 1,840	380,864	16,393	4.30	295	67,568	3,391	4.48
	{ 1846 2,264	452,438	19,479	4.30	275	65,132	2,997	4.59
Sweden . .	{ 1844 78	12,806	581	4.55	344	59,835	2,941	4.91
	{ 1845 111	15,157	707	4.66	481	89,923	4,196	4.66
	{ 1846 94	12,625	637	5.04	485	80,649	4,009	4.97
Norway . .	{ 1844 16	1,315	89	6.76	779	125,011	6,339	5.97
	{ 1845 14	1,215	70	5.76	923	129,897	7,052	5.42
	{ 1846 29	3,313	183	5.52	805	113,738	6,078	5.34
Denmark . .	{ 1844 59	7,423	350	4.71	1,667	123,674	8,250	6.67
	{ 1845 40	4,528	245	5.41	1,128	84,566	5,823	6.88
	{ 1846 80	9,531	559	5.86	1,502	105,973	7,452	7.03
Prussia . .	{ 1844 786	108,626	5,047	4.64	1,286	220,202	10,539	4.78
	{ 1845 379	49,334	2,456	4.97	1,437	256,711	11,858	4.62
	{ 1846 447	63,425	3,060	4.82	1,532	270,801	12,692	4.68
Germany . .	{ 1844 900	181,322	9,845	5.42	1,123	113,209	6,924	6.11
	{ 1845 1,016	205,745	10,742	5.22	1,212	115,253	7,109	6.16
	{ 1846 982	206,201	10,869	5.27	1,289	122,485	7,879	6.43
Holland . .	{ 1844 1,239	173,247	9,796	5.65	843	80,217	5,226	6.51
	{ 1845 1,293	191,852	10,442	5.44	1,308	116,526	7,493	6.43
	{ 1846 1,779	274,067	16,042	5.85	1,240	108,145	7,124	6.58
Belgium . .	{ 1844 656	76,690	6,772	8.83	484	72,207	4,524	6.22
	{ 1845 802	94,717	8,365	8.83	882	109,504	6,747	6.16
	{ 1846 789	108,908	8,628	7.92	970	122,576	7,979	6.54
United States of America .	{ 1844 373	206,183	8,170	3.96	575	338,737	11,157	3.29
	{ 1845 368	223,676	9,435	4.21	741	444,442	14,332	3.22
	{ 1846 330	205,123	7,649	3.72*	744	435,399	13,912	3.19
Average . . . .	. . . .	. . . .	. . . .	5.02	. . . .	. . . .	. . . .	4.87
Average, exclusive of United States }	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	5.59

If you exclude the ships of the United States, the proportion of seamen on board to the tonnage of foreign vessels, that is to say, the vessels belonging to Russia, Sweden, Norway, Denmark, Prussia, Germany, Holland, and Belgium, is 5.59 in every 100 tons burden, being somewhat greater than the number of men in British vessels.

**BRITISH SHIPS IN OPEN COMPETITION COMPETE SUCCESSFULLY  
WITH ALL THE WORLD.**

But the clearest of all proofs that we can compete with foreigners, is the fact, shown in the following table, that for a long series of years we have so competed, and on our part with complete success.

A STATEMENT of the TONNAGE of British Ships that entered the Ports of the United Kingdom from different Foreign Countries and British Possessions, in each of the Years 1824 and 1846; distinguishing the Tonnage employed in the Trade with British Possessions, and which is protected by the Navigation Laws, from the Tonnage employed in the Trade with Foreign Countries, and which is unprotected from competition with Foreign Ships.					
Protected Trade.	1824.	1846.	Unprotected Trade.	1824.	1846.
Coast of Africa and Cape of Good Hope	20,742	52,173	Russia . . . .	239,185	452,438
St. Helena and Ascension . . .	477	709	Sweden . . . .	17,074	12,625
Mauritius . . .	2,197	34,846	Norway . . . .	11,419	3,313
British India . .	48,666	207,991	Denmark . . . .	6,738	9,531
British North American Colonies . .	427,832	1,076,162*	Prussia . . . .	94,664	63,425
Australian Colonies	4,073	39,129	Germany . . . .	67,345	206,201
British West Indies	244,971	183,742	United Netherlands	68,285	H. 274,067 B. 108,908
Fisheries . . .	45,925	15,191	France . . . .	82,650	556,321
Jersey, Guernsey, &c	98,214	125,961	Portugal, Azores, and Madeira . . . .	58,043	74,761
			Spain . . . .	45,723	65,719
			Italy . . . .	40,793	98,868
			Gibraltar . . . .	5,454	14,523
			Malta . . . .	3,324	8,176
			Turkey, Morea, and Egypt . . . .	23,269	97,071
			Tripoli, Barbary, and Morocco . .	1,174	
			China . . . .	28,270	53,593
			Sumatra, Java, &c.	3,075	8,526
			Foreign West Indies	9,566	62,240
			United States of America . . . .	44,994	205,123
			Mexico and States of South America	46,787	170,611
			Ionian Islands . .	6,891	11,570
			Cape Verde Islands	.	168
			South Sea Islands .	.	531
	893,097	1,735,924		904,223	2,558,809
Increase, 842,827 tons, or 94·37 per cent.			Increase, 1,654,586 tons, or 182·98 per cent.		

\* The duty on colonial timber was reduced to 1s. per load, 10th October, 1842. In that year the tonnage entered from the British North American Colonies was 541,451 tons; in 1843, 771,905 tons; in 1844, 789,410 tons; in 1845, 1,090,224 tons.

If the tonnage entered from those colonies had remained as it was in 1842, the increase in the protected trades would have amounted, in 1846, as compared with 1824, to 308,116 tons, or 34½ per cent.

## OUR SHIPS IN THE AUSTRIAN TRADE.

If there be need of more particular proof that the ships of other countries are not so cheaply built and sailed as to drive us out of any trade, it is at hand.

"In trades where the British shipowners have no sort of protection given them over foreign ships, namely, in the carrying trade between two foreign countries, British ships do successfully compete, and that to a large extent, with the ships of other countries. I have here a few memoranda, which I made hastily, showing, though very roughly, the number of British ships which arrived at Trieste in 1845. Here is a ship from Pernambuco, with sugar ; a ship from Rio Janeiro, with coffee ; another from Pernambuco with sugar ; and there are ships from various other countries : and it appears that sugar and wood and general cargoes, saltpetre and pepper, were brought by British ships to a large extent, to the port of Trieste, from foreign countries, not from England nor from British possessions.

British ships compete with all others at Trieste.

[*The Witness delivered in the same, which is as follows :*]

## No. 5.—BRITISH SHIPPING arrived at TRIESTE, 1845.

January :	Lilias, Pernambuco, sugar.
Royal Sovereign, Pernambuco, sugar, sailed to Madeira with maize.	June :
Kate, Venice, ballast.	Neptune, Bahia, sugar.
February :	Lucy Sharp, Maceio, sugar.
Charlotte, Rio Janeiro, coffee.	British King, Pernambuco, sugar.
Princess Victoria, Rio Janeiro, coffee.	Catherine, Pernambuco, sugar.
Jane and Esther, Pernambuco, sugar.	July :
March :	Tenedos, Paraiba, sugar.
Sunflower, Pernambuco, sugar.	Gauntlet, Pernambuco, sugar.
April :	Mary and Ann, Pernambuco, sugar.
James, Hayti, coffee and wood.	Iris, Malta, general.
Iris, Malta, general.	Damon, Cuba, sugar.
Lord Melville, Hayti, coffee and wood.	August :
May :	Columbian Packet, Pernambuco, sugar.
Queen of Britain, Hayti, coffee.	Triton, Bahia, sugar.
Nancy, Havana, coffee and sugar.	September :
Mary Jones, Rio Janeiro, coffee.	Jane, Lisbon, sugar, &c.
Pythagoras, Paraiba, sugar.	Mercutio, Maceio, sugar, &c.
Wave, Pernambuco, sugar.	October :
Lady Flora, Malta, general.	Iris, Pernambuco, sugar, &c.
Amelia, Maceio, sugar.	Mary, Lisbon, sugar, &c.
Quebec Packet, Pernambuco, sugar.	Vesta, Maceio, sugar, &c.
	Rob Roy, Alexandria, saltpetre.
	Iris, Malta, general.

## November :

London, Oporto, sugar.  
 Conte Ruggiero, Malta, coffee, &c.  
 Weatherall, Rio Janeiro, coffee, &c.  
 John and Mary, Paraiba, sugar.

## December :

Crest, Sumatra, pepper.  
 Porcupine, Rio Janeiro, coffee.  
 Emily, Oporto, coffee and sugar.  
 Lady Flora, Catania, general.

But Trieste is not the only port at which our ships in open competition with all others, maintain a trade.

## OUR SHIPS IN THE RUSSIAN TRADE.

British ships in open competition do nearly all the carrying trade in Russia.

"In St. Petersburg, from May to September, when the navigation is open, I find a long list of British ships, bringing cargoes from Messina, from Porto Rico, from Seville, from Amsterdam, from Madeira, Palermo, Lisbon, Bremen, in fact from all parts of the world, going to St. Petersburg with various assorted cargoes, with wine, with fruit, with oil, cotton, brimstone, logwood, and all sorts of goods.

BRITISH SHIPPING employed in Carrying Trade,  
 ST. PETERSBURGH, 1845.

May : Foxhound, from Messina, fruit and goods.

Rapid, from Messina, fruit and goods.

John Brookes, from Porto Rico, coffee.

Harlequin, from Messina, fruit and goods.

Hope, from Seville, oil.

Hambro', from Amsterdam, goods.

Georgina, from Malaga, oil.

Brancepath Castle, from Copenhagen, ballast.

Sisters, from Madeira, wine.

June : Lion, from Palermo, fruit and brimstone.

Lucille, from Hamburgh, ballast.

Lydia, from Lisbon, goods.

Dublin Lass, from Bremen, goods.

Sarah, from Madeira, wine.

Kate, from Messina, oil.

Chase, from Havannah, sugar and logwood.

Queen, from Palermo, oil.

Eliza, from Messina, oil.

Foxhole, from Malaga, goods.

Romulus, from Madeira, wine.

Sorcière, from Lisbon, oil.

Lady Mary, from Stettin, ballast.

Gilbert Jameson, from Cadiz, wine and cork.

Energy, from Havannah, sugar.

July : Calpe, from Cadiz, wine.

Unicorn, from Stettin, ballast.

They carry to St. Petersburg even from Bremen.



- Earl Grey, from Amsterdam, cotton.  
 Belle, from Corfu, oil.  
 Lindesfarn, from Sicily, brimstone.  
 Hope, from Teramuzza, oil.  
 Aug. : Sisters, from Licata, sulphur.  
 William, from Laguna, logwood.  
 Foam, from Stettin, ballast.  
 Mary, from Stettin, goods.  
 Agenoria, from Milazza, oil.  
 Kesiah, from Messina, oil.  
 William and James, from Secacio, oil.  
 Carrier, from Bremen, bricks and cotton.  
 Brandon, from Madeira, wine.  
 Christiana, from Laguna, logwood.  
 Sept. : Sir James Kempt, from Revel, ballast.  
 Princess Royal, from Hamburgh, goods."

"Russia has a very small commercial marine of her own ; but the ships of other countries can enter into competition with us in that trade. Although Russia herself has no ships, the ships of America, or France, or Prussia, or any other country, might enter the Russian ports. Those ships are ships trading from foreign ports, not from England."—(7612, 7613.)

The ships of other countries enter into competition with us in Russian trade.

Our ships also have a large trade to and from other ports common alike to ships of all nations. Neither the cheap ships of Finland, Bremen, Sweden, or Hamburgh, have hitherto been able to take such trade from us : in the face of them all we hold our share of it.

"At Hamburgh we find likewise a long list of British vessels arriving from foreign ports in 1845, from the different ports of Brazil, Rio de la Plata, Figueira, Hayti, Oporto, the different South American republics, and from Lisbon ; in fact from all parts of the world, a large number of British ships entered Hamburgh with cargoes from foreign countries in the year 1845. In Bremen the same thing occurs. British ships have traded to Bremen from foreign countries. Here is a statement of the number of ships, but not of the tonnage, which entered the port of Hamburgh in 1843, 1844, 1845, and 1846 ; the whole number in 1843 was 3,538 ships, of which 487 were under the Hamburgh flag, and 907 under the British flag ; the remainder, being about 2000, under the flags of all other countries ; but the greater proportion of those were Danish and Hanoverian small craft, which may be considered more in the light of coasting vessels. The Danish and Hanoverian amount to 1200 out of the 2000. The proportions are much the same in the other years,

British ships trade from foreign ports to Hamburgh and Bremen.

No. of ships of each flag that entered Hamburgh.

British tonnage entering Ham-  
burgh more than  
double Ham-  
burgh tonnage.

1844, 1845, and 1846; in each of those years the number of British vessels, as compared with Ham-  
burgh vessels, has been more than  
double, and the British vessels were, on the average, of larger burden  
than the Ham-  
burgh vessels, so that the tonnage is considerably more  
than double."—(7613, 7614.)

Paper handed in  
by G. R. Porter.

No. 6.—HAMBURGH : Ships that Entered the Port.				
	1843.	1844.	1845.	1846.
Hamburgh . . . . .	487	398	481	455
British . . . . .	907	850	1,050	995
Norwegian . . . . .	46	45	58	61
American . . . . .	63	25	26	12
Argentine . . . . .	—	—	1	—
Belgian . . . . .	5	3	—	3
Bremen . . . . .	43	48	47	79
Chilian . . . . .	—	—	2	1
Danish . . . . .	476	390	482	425
French . . . . .	80	99	98	82
Hanoverian . . . . .	745	749	1,118	1,099
Heligoland . . . . .	4	5	7	9
Dutch . . . . .	357	351	301	286
Knipphausen . . . . .	2	4	2	—
Lubeck . . . . .	8	5	10	17
Mecklenburgh . . . . .	11	6	6	5
Neapolitan . . . . .	4	—	3	—
Oldenburgh . . . . .	109	124	107	99
Russian . . . . .	13	23	31	15
Prussian . . . . .	54	39	45	37
Spanish . . . . .	35	32	27	41
Swedish . . . . .	70	53	62	53
	3,538	3,260	3,990	3,779

	ENTERED.		TOTAL.
	With Cargoes	In Ballast.	
	<i>Lasts.</i>	<i>Lasts.</i>	<i>Lasts.</i>
1843 . . . . .	3,409 43,955	129 4,928	3,538 177,983
1844 . . . . .	3,066 150,482	194 6,951	3,260 161,433
1845 . . . . .	3,682 187,677	308 7,131	3,990 194,808
1846 . . . . .	3,453 177,554	326 8,466	3,779 186,020

## THE TONNAGE OF OUR SHIPS.

For those who may wish to mark the progress of our shipping to its present greatness, during the last quarter of a century, we give a

STATEMENT of the Amount of TONNAGE of Ships Registered, and belonging to the United Kingdom and its Colonies, in each Year, from 1821 to 1846.			
YEARS.	United Kingdom.	Colonies.	TOTAL.
1821 . . .	2,355,853	204,350	2,560,203
1822 . . .	2,315,408	208,641	2,519,044
1823 . . .	2,302,867	203,893	2,506,760
1824 . . .	2,348,314	211,273	2,559,587
1825 . . .	2,328,807	214,375	2,543,682
1826 . . .	2,411,461	224,183	2,635,644
1827 . . .	2,181,138*	279,362	2,460,500
1828 . . .	2,193,300	324,891	2,518,191
1829 . . .	2,199,959	317,041	2,517,000
1830 . . .	2,201,592	330,227	2,531,819
1831 . . .	2,224,356	357,608	2,581,964
1832 . . .	2,261,860	356,208	2,618,068
1833 . . .	2,271,301	363,276	2,634,577
1834 . . .	2,312,355	403,745	2,716,100
1835 . . .	2,360,308	423,458	2,783,761
1836 . . .	2,349,749	442,897	2,792,646
1837 . . .	2,333,521	457,497	2,791,018
1838 . . .	2,420,759	469,842	2,890,601
1839 . . .	2,401,346	497,798	2,899,144
1840 . . .	2,584,408	543,276	3,127,684
1841 . . .	2,935,399	577,081	3,512,480
1842 . . .	3,041,420	578,430	3,619,850
1843 . . .	3,007,581	580,806	3,588,387
1844 . . .	3,044,392	592,839	3,637,231
1845 . . .	3,123,180	590,881	3,714,061
1846 . . .	3,199,785	617,327	3,817,112†

\* A new Registry Act passed, under which owners were obliged to register their ships anew. Many vessels, previously lost, had been continued up to this time on the registry, no evidence of their loss having been produced.

† Increase in 1846 over 1821, 1,256,909 tons.

Paper handed in by Mr. Porter.

## THE COMPARATIVE VALUE OF ENGLISH COLONIAL AND FOREIGN SHIPS.

No circumstance so much corroborates the accuracy of the classification of Lloyd's society, as the following fact in respect of our cheap colonial ships.

“ A return was moved for by Mr. Liddell, and presented to the House on the 23rd of last April, which gives the total number of vessels registered in the United Kingdom : it divides them into different categories, namely, those which were built in foreign countries, but which still exist, having been made prize of war ; those which were built in the British colonies in North America, in the East India Company’s territories, the British West Indies, the Mauritius, and New South Wales ; in fact, comprising the whole of our British possessions ; and we find, that whereas the total tonnage of vessels registered in the United Kingdom was 3,148,323 tons, the proportion built in our colonies was only 603,157 tons, that being the amount of the tonnage built and registered in the colonies in seven years, whereas the residue of the tonnage so registered, that is of *vessels built in the United Kingdom, comprises the amount of tonnage so built in about twenty-two years. It is, therefore, fair to assume that the English vessel, as far as regards its durability, is worth, as compared with the colonial vessel, in the proportion of 22 to 7. —(7661.)*

English ships  
last 22 years,  
colonial but 7  
years.

Thus, Lloyd’s society, founding their judgment upon long practical experience, have declared that a fir-built ship is to an English oak or teak-built ship as 4 to 12 + 4. Merchants, underwriters, builders, buyers and sellers, universally accept their decision. Inferior built ships are proved actually to remain in existence a shorter period than the best constructed vessels ; in that proportion, therefore, we have an undoubted right to take Lloyd’s classification as a basis upon which to found an estimate of the comparative value of ship and ship.

To exemplify the calculation, it has been in the preceding pages based upon the assumption enunciated by Mr. Young, that one pound sterling per ton is added to the cost of a ship for every additional year that she stands on the first letter. This, however, does not give an accurate view of the true value of the ship ; and in order to place the matter beyond a doubt, we take the highest priced English and the lowest

priced foreign ship, and put the following problem, with its mathematical solution :

The building of a ship which will last only four years, costs £8. per ton ; the building of another, which will last twelve years, costs £20. per ton. Which is the cheapest, reckoning money at five per cent. compound interest ?

Mathematical demonstration of the comparative value of an £8. and a £20. ship.

Then, to equal one ship lasting twelve years, three ships lasting each four years will be required, the first being built at the same time as the one lasting twelve years, the second four years on, and the third eight years on.

Therefore the question is—which will amount to the greatest sum, £20. at the end of twelve years, or £8. at the end of twelve years + £8. at the end of eight years + £8. at the end of four years.

$1.05^{12} \times 20$	amount of £20. in 12 years	=	35.917	1st Ship.	Solution of the problem.
$1.05^{12} \times 8$	amount of £8. in 12 years		14.367		
$1.05^8 \times 8$	„ „ 8 „		11.819		
$1.05^4 \times 8$	„ „ 4 „		9.724	2nd Ship.	
			<u>35.910</u>		

Thus, at the end of twelve years, the three foreign £8. ships will have cost within a small fraction the same as the one English ship ; but as the £20. ship is renewable, at the end of this period, for four years, being thus considered by the most competent judges to last sixteen years, the £8. ship not being renewable at all, the Englishman is a clear gainer of four years ; and as four years represents the value of the foreign ship, there is at the end of twelve years a clear advantage on the side of the Englishman, of a whole £8. ship.

The Englishman gains a whole foreign ship.

#### THE VALUE OF THE COMPETITION CRY.

We have now done with the facts and the figures of competition. The result of them are—

That England has advantages, superior to every other country, for the build of first class ships.

English advantage.

That those first-class ships are the best and cheapest.

That they stand the wear and tear of sea more than three times as long as cheap foreign ships, and do not in the first instance cost any thing like three times as much.

Build and navigation.

That our own colonies build, of the cheap class, the cheapest ships, and of the dear class the most long-lived ships in the world.

That British ships do not carry, tonnage for tonnage, a greater number of seamen than foreign ships.

That foreign ships carry a greater number than ours.

That our ships are not better victualled than foreign vessels.

That the sailors on board most foreign ships are better cared for and better found than in our ships.

That foreign ships are not navigated more cheaply than ours.

That, on board American ships, the captains, petty officers, and men are much better paid than they are in English ships.

That British vessels lay in their stores as cheaply as any ships in the world.

Increase.

That of all tonnage, that of England has increased the most continuously and rapidly.

That the increase is greatest in the face of foreign competition.

That of all the tonnage entering British ports, not one-third is foreign ; and the proportion of British increases.

That in all other ports the foreign tonnage either exceeds their own, or is increasing in proportion to their own.

That British ships have nearly the whole carrying trade of Russia, as well with other ports of Europe as with foreign ports.

That the ports of Russia are open to all ships on equal terms.

British ships in open trade.

That every month, from January to December, British ships enter the Austrian port of Trieste with cargoes from European ports and foreign countries, alike open to all the shipping of the world.

That the port of Trieste is open to all shipping on equal terms.

That at Hamburgh the number of British ships is greater than their own, and is nearly half the whole number of ships entering the port.

That the port of Hamburgh is open to all on equal terms.

That of all the foreign tonnage entering the ports of the United States, more than two-thirds is British.

That the ports of America are more free to other ships than to ours. Retaliation.

That America has adopted our own Navigation Law against ourselves.

That to all other countries she gives such liberty as they give her.

That efforts are being made to form a Zollverein Union Flag by way of Prussian and German retaliation for our Navigation Law.

We have proved that British shipping can compete with all the shipping of the world.

That it does compete and has long competed successfully.

That the Navigation Laws are not a help, but a hindrance to our shipping, by giving rise to foreign retaliation hostile to trade. In addition to our natural advantages, shipping has been enriched of late years by the increase of many large branches of trade, to some particulars of which we claim the attention of shipowners.

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BENEFIT TO SHIPPING FROM TRADES OPENED AND DUTIES  
REPEALED.

Of late years, the East India trade has been opened to all our ships, and the employment for them has increased more than five-fold. The China trade has been opened, and is year by year increasing. Increase of employment for our ships.

The duties on timber have been equalised or repealed, and more than 500,000 tons additional of timber have been shipped from Canada alone in a single year.

The duties on sugar have been lowered and equalised, and the trade opened to our ships throughout the world ; and this year there has been an increased import of 100,000 tons.

The Corn Laws have been abolished, and all the ships of the world have not been enough to carry corn.

Cattle, sheep, pigs, &c., have been admitted, and quarter by quarter the numbers brought increase.

The wool, cotton, and silk duties have been abolished, and there are more of each to be carried to and fro, raw and manufactured.

The provision trade has been opened, and the imports are already great, and show a steady and rapid increase.

In fact, the staples of India, China, the Foreign West Indies, Brazils, the Havannah, and the whole Continent of South America, of Russia, the Baltic, Spain, all corn-growing Europe and America, have been admitted to our ports, either duty free, or at only revenue duties ; and from and to all these places, trade has increased, and is growing.

Shipowners are  
silent as to  
benefits.

We hear nothing from the Central Committee of British Shipowners as to the rich harvest that must have fallen to them, from the employment of hundreds of thousands of tons of shipping in all these trades, made for them by the abolition of monopolies like their own, regardless of the outcries of the several vested interests.

Outcry against  
doing justice to  
the consumer.

But when their turn has come, and it is demanded of them that they (as all the others have been made to do) shall cease to put difficulties in the way of trade, and to impose taxes upon the consumer, for their individual benefit, we are met over again by the old policy of mystification and patriotic pretences ; and are told particularly to believe, that the safety of the state is in danger, from the fir wood of Finland and the cheap sailors of Dantzic.

In every case, the dread of foreign competition was unfounded ; but in some there might be the excuse for it, that the foreign resources were not known ; but in this of shipping they are known, and ours outweigh them all.



Curious enough, when we come to look closely at it, is this dread that our shipowners have of foreigners. They seem to have become possessed by an idea that, shut up in some deep hidden bay or other, there floats ready for sea some million tons of shipping, waiting merely the signal of the repeal of our Navigation Laws to heave anchor, spread every sail, stand out to sea, and carry everywhere, everything, from every place. It seems never to occur to these shipowners, that there are no ships idle now ; that one way or another they all get freights ; that the abolition of the Navigation Laws might cause here and there a different distribution of trade ; but that there would be none the fewer goods to carry, and no less distance altogether to carry them ; for by some ships or other they must be all brought from their several places of production to the manufacturer and the consumer. The repeal of the Navigation Law would neither dry up the sea, nor bring Europe, India, America, or Africa, one whit nearer to us ; nor could it make England, or the Continent of Europe, grow the productions of the tropics, nor transport our factories to India ; nor can it change our commercial spirit and aptitude for maritime enterprise.

The idea that possesses ship-owners.

All it can do is, to put an end to the memorials of shipowners' societies, and to the absurd notion that shipping is an interest distinct from trade, leaving all ships free to find how they may best contrive never to be idle nor empty.

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#### WHAT BREMEN MIGHT SAY OF ENGLAND.

We could look with some compassion on a memorial from the shipowners of Bremen (one of the bugbears of the native memorialists) for protection against us.

It might set forth

That Bremen had but 227 ships, built at great cost, seeing that every material of them had to be imported.

That the river and harbour are beset with difficulties, that at great expense have been partially overcome.

That in the coasting trade, the Bremen ships have to compete with the more cheaply built and navigated ships of Oldenburgh.

That in the open sea they have, at port after port, to contend against the ships of England, built of almost everlasting oak, the growth of their own land ; or of teak, in which the iron never rusts, (the produce of their dominions in the East ;) or of Jarrah-wood, growing in Australia at the very water's edge, and, built of which, the ship floats clean and sound in the salt ocean, as if she were coppered. That England, too, is the great timber-yard of the world, so that the shipbuilder has choice of every kind of wood, from the largest stocks, at the least cost.

That England is the very home of iron, and the manufacture of iron ; that all the iron of a ship, from the nails to the anchor, are to be had in England cheapest and best, so much so that one anchormsmith is in the habit of exporting to the north of Europe £50,000. worth of anchors, chain cables, &c., annually.

That the best and cheapest copper bolts and sheathing are also to be had in England, the produce of her own mines, and her furnaces, forges and rolling mills, fed with her own coals.

That England commands almost the entire trade with Russia ; and is, therefore, the great storehouse of hemp and flax, and the world's factory of cordage and sails.

Tonnage in  
trade of Eng-  
land.

That the amount of her trade, out and home, employs more than 12,000,000 tons of shipping in the year.

That her own ships exceed . . . 3,000,000 tons ;

The ships of her Colonies . . . 600,000 tons ;

making a total of nearly four million tons, being considerably more than the whole tonnage of all the rest of the world taken together.

Ships built in a  
year.  
6111.

That last year (1846) the number of ships built in England and her colonies, was 1,525, of the tonnage of 228,764 tons ; giving, at £13. 10s. a ton, £3,088,314.

That the annual cost of repairs and outfits of ships, is not

less than £7,634,224. ; so that each year there is spent on British ships £10,722,538. Annual outlay on repairs and outfit.

That the number of English seamen is 229,276 ; and the wages paid to them and their officers, £5,731,900. Number and wages of seamen.

That she pays annually £3,486,906. for the victualling of the ships.

That the amount of freight earned by the commercial marine of England, amounts to about £28,628,290.—(6111, 6113, 6114, 1616). Freight earned.

That the Docks of England are the cheapest and the most commodious in the world. Docks and warehouses.

That, as to their extent, it has been computed that there is as much masonry in the Liverpool Docks alone, as in the great Pyramids of Egypt. Liverpool.

That of dry, wet, and graving docks, there are forty-nine, of the extent of 203 acres, with about fifteen miles of quay space, and two and a half miles of river wall.

That, for all that distance, there is an unbroken forest of masts—vessels lying side by side loading with British commodities, or unloading cargoes of produce from every part of the known world.

That, with all this, there are hundreds of vessels lying in the river waiting for room in the docks.

That along the docks, and up streets leading from them, are piles of fire-proof warehouses, crammed with merchandise from basement to attics—a whole city of them—but not vast enough to hold all the produce brought by that multitude of ships.

That at London the docks cover about 430 acres ; that the West India Dock alone can accommodate with ease 600 vessels, of from 250 to 500 tons ; that the London Dock can hold of itself 500 average merchantmen. London.

That those two docks cost more than £8,000,000.

That, in the Thames, the fleet of stationary merchant ships reaches from London Bridge to Blackwall.

That everywhere there is machinery for lading and unlading, and steam-tugs plying near every port, perpetually on the look-

out to tow the vessels into dock or out to sea, in spite of wind or tide, doubling so the value of all this shipping by the diminishing of risk and saving of time.

That at London, Sunderland, Liverpool, and Glasgow, they have the expertest shipwrights, the best machinery, the finest tools in the world, and can build and repair ships with more speed than can be done in any other country.

That in view of all these advantages possessed by England, and others too obvious to be put forward now, the shipowners of Bremen humbly pray—Here we stop, we will not calumniate them; they trust to themselves, not to Acts of Parliament, and they throw open their port and river freely, and give the giant England welcome! It is England that prays to be protected from Bremen.

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## CONCLUSION.

In the year 1660 a compact was entered into between Parliament and the shipowners, which compact has been modified and confirmed by one hundred and forty-four other Acts, all of which are now represented by the 8th and 9th Victoria, cap. 88, and the auxiliary Act, 8 and 9 Victoria, cap. 89.

Parliament, on the one hand, undertakes to give encouragement to the shipowners, by means of a monopoly of the carriage by sea, so far as other nations will permit. The shipowners, on the other hand, undertake to find men for the manning of the Royal Navy, and to that end to register their seamen—to carry useless apprentices—and to submit to have their crews abstracted from them by desertion or impressment, when and where to the Admiralty it shall seem fit.

However sincerely either party may have intended to carry out the contract, it is quite evident that both have most signally failed.

The Act of Parliament does not encourage and increase the mercantile marine.

The sacrifices of the shipowners do not find a "large, constant, and ready supply of seamen for the Royal Navy."

The Act of Parliament fails—

Inasmuch as the mercantile marine has flourished least where it is most protected ;

Inasmuch as monopoly has produced inferiority ;

Inasmuch as restriction has produced retaliation ;—

Because, by restriction on the one part, and retaliation on the other, the field of enterprise is narrowed, the cost of transport is enhanced, and so fewer ships are required altogether.

The shipowners fail—

Inasmuch as by carrying apprentices they displace able seamen, and so drive them to seek employment in foreign service ;

Inasmuch as by registering the sailors, they advertise to them their purpose ; and these objecting altogether to fight for lower wages than they could earn by trading, when they are most wanted are least likely to be found ; and

Because the seamen of merchant ships are not adapted for the Royal Navy, and are not such as modern naval warfare requires ;

And so the preamble of the Navigation Law is not proved, and the preamble of the Registration Act is not proved.

But there are other classes of the community, of whose interests the statutes take no note, to whom the arrangement is a source of unmitigated and admitted injury, who demand the demonstration of the necessity of the sacrifice they are called upon to make.

The colonists must know why it is indispensable that they should be crippled in the competition which has been forced upon them.

The merchants require to have satisfactory justification for

the contraction of their commerce, and the vexations and impediments to their trade.

The manufacturers require proof of the urgency of a law which limits their markets, curtails the supply of their raw materials, and forces the capital of their customers from barter into competition with them.

The working classes must be told what real ground there is for denying to them the freest possible import of the articles upon which their labour is expended.

The merchant seaman asks of right what paramount need there is that he alone, of all skilled workmen, should be held to be at the disposal of the State, and to have no full property in his own skill.

Finally, the whole community must be persuaded of the soundness of the policy which enhances to them the cost of every article for consumption or manufacture which is brought from beyond the sea.

And as a distinct advantage has not been shown, the colonist, the merchant, the manufacturer, the workman, the merchant seaman, and every class of consumer, have a just claim upon Parliament for the repeal of the laws through whose agency the injury is inflicted.

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## APPENDIX.

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The Acts which constitute what may be called the Maritime Code of England, are—

THE EIGHTH AND NINTH VICTORIA, CAP. LXXXVIII.

Entituled *An Act for the Encouragement of British Shipping and Navigation*.—[4th August, 1845.]

THE EIGHTH AND NINTH VICTORIA, CAP. LXXXIX.

Entituled *An Act for the Registering of British Vessels*.—[4th August, 1845.]

THE SEVENTH AND EIGHTH VICTORIA, CAP. CXII.

Entituled *An Act to Amend and Consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen*.—[5th Sept. 1845.]

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We give these Acts at length, with notes of such other Acts as bear upon the subject; and references from the different Sections, pointing out in what other places the subject of enactment occurs. These references, for the most part, are taken from Walford's Laws of the Customs.

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THE EIGHTH AND NINTH VICTORIA, CAP. LXXXVIII.

AN ACT FOR THE ENCOURAGEMENT OF BRITISH SHIPPING AND NAVIGATION.—[4th August, 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the third and fourth years of the reign of King William the Fourth, entituled "An Act for the Encouragement of British Shipping and Navigation," whereby the laws for the encouragement of British shipping and Navigation were consolidated: And whereas since the passing of the said Act divers parts of Acts for the further

3 & 4 W. 4,  
c. 54.

amendment of the law in that respect have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Act and parts of Acts should be consolidated into one Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the same shall come into and be and continue in full force for the purposes therein mentioned, except where any other commencement is herein particularly directed.

Commencement  
of Act.

Ships in which  
only enumerated  
goods of Europe  
may be im-  
ported.

II. And be it enacted, that the several sorts of goods hereinafter enumerated, being the produce of Europe, (that is to say,) masts, timber, boards, tar, tallow, hemp, flax, currants, raisins, figs, prunes, olive oil, corn or grain, wine, brandy, tobacco, wool, shumac, madders, madder roots, barilla, brimstone, bark of oak, cork, oranges, lemons, linseed, rapeseed, and clover-seed, shall not be imported into the United Kingdom to be used therein,\* except in British ships,† or in ships of the country‡ of which the goods are the produce,§ or in ships of the country from which the goods are imported.||

Places from  
which only  
goods of Asia,  
Africa, or Ame-  
rica may be  
imported.

III. And be it enacted, that goods the produce of Asia, Africa, or America shall not be imported from Europe¶ into the United Kingdom to be used therein, except the goods hereinafter mentioned; (that is to say,)

Goods the produce of the dominions of the Emperor of Morocco, which may be imported from places in Europe within the Straits of Gibraltar:

Goods the produce of Asia or Africa which (having been brought into places in Europe within the Straits of Gibraltar from or through places in Asia or Africa within those Straits, and not by way of the Atlantic Ocean,) may be imported from places in Europe within the Straits of Gibraltar:

Goods the produce of places within the limits of the East India Company's charter, which (having been imported from those places into Gibraltar or Malta in British ships) may be imported from Gibraltar or Malta:\*\*

Goods taken by way of reprisal by British ships:

Bullion, diamonds,†† pearls, rubies, emeralds, and other jewels or precious stones.

\* See liberty to import for exportation § 22.

† See as to what are British ships, § 13.

‡ See as to what constitutes a ship of any country § 16.

§ Manufacture constitutes produce, § 5.

|| As to what constitutes an importation from any place, see 8th & 9th Vic., c. 86, (being an Act for the general regulations of the customs) § 49.

¶ As to produce from colonial fisheries from Guernsey, see cap. 86, § 44.

\*\* Malta deemed to be in Europe. See cap. 86, § 128.

†† Bullion and diamonds do not require entry, cap. 86, § 2.



IV. And be it enacted, that goods the produce of Asia, Africa, or America shall not be imported into the United Kingdom to be used therein, in foreign ships, unless they be the ships of the country in Asia, Africa, or America of which the goods are the produce, and from which they are imported, except the goods hereinafter mentioned ; (that is to say,)

Ships in which only goods of Asia, Africa, or America may be imported.

Goods the produce of the dominions of the Grand Seignior in Asia or Africa, which may be imported from his dominions in Europe in ships of his dominions :

Raw silk and mohair yarn, the produce of Asia, which may be imported from the dominions of the Grand Seignior in the Levant Seas, in ships of his dominions :

Bullion :

Provided always, that in case any treaty shall be made with any country having a port or ports within the Straits of Gibraltar, stipulating that such productions of Asia or Africa as may by law be imported into the United Kingdom from places in Europe within the Straits of Gibraltar in British ships shall also be imported from the ports of such country in the ships of such country, then and in every such case it shall be lawful to import such goods from the ports of such country in the ships of such country.

Proviso.

V. Provided always, and be it enacted, That all manufactured goods shall be deemed to be the produce of the country of which they are the manufacture.

Manufacture deemed produce.

VI. And be it enacted, That no goods shall be imported into the United Kingdom from the islands of Guernsey, Jersey, Alderney, or Sark, except in British ships.

From Guernsey, &c.

VII. And be it enacted, That no goods shall be exported from the United Kingdom to any British possession in Asia, Africa, or America, nor to the islands of Guernsey, Jersey, Alderney, or Sark, except in British ships.

Exports to Asia, &c., and to Guernsey, &c.

VIII. And be it enacted, That no goods or passengers shall be carried coastwise from one part of the United Kingdom to another, or from the United Kingdom to the Isle of Man, or from the Isle of Man to the United Kingdom, except in British ships.\*

Coastwise.

IX. And be it enacted, That no goods shall be carried from any of the islands of Guernsey, Jersey, Alderney, Sark, or Man, to any other of such islands, nor from one part of any of such islands to another part of the same island, except in British ships.

Between Guernsey, Jersey, &c.

\* All trade by sea from one part of the United Kingdom to another, or to the Isle of Man, or from one part of that island to another, is deemed to be trade coastwise, see cap. 86, § 113 ; and as doubts may arise, the Lords of the Treasury have power to direct in what cases the trade by water from place to place on the coast of the United Kingdom shall, or shall not, be deemed a trade by sea, &c., § 114.

Between British  
possessions in  
Asia, &c.

Imports into  
British posses-  
sions in Asia,  
&c.

Her Majesty  
may, by Order  
in Council, de-  
clare that foreign  
goods may be  
imported into  
Hong Kong in  
any vessels.

No ship British,  
unless registered  
and navigated  
as such.

But vessels  
under fifteen  
tons burden  
admitted in

X. And be it enacted, That no goods shall be carried from any British possession in Asia, Africa, or America to any other of such possessions, nor from one part of any of such possessions to another part of the same, except in British ships.\*

XI. And be it enacted, That no goods shall be imported into any British possession in Asia, Africa, or America in any foreign ships, unless they be ships of the country of which the goods are the produce, and from which the goods are imported.†

XII. And be it enacted, That it shall be lawful for Her Majesty from time to time, by any Order in Council, to declare that goods the growth, produce, or manufacture of any foreign country, may be imported into the island of Hong Kong from the same or any other foreign country, in vessels belonging to the same or any other foreign country, and however navigated, subject nevertheless to such limitations and restrictions as shall be contained in any such Order in Council; and from and after the publication of any such Order in Council such goods may lawfully be so imported into the said island of Hong Kong, according to the provisions of such Order, and until the revocation thereof; and any such Order in Council may from time to time be altered or revoked by Her Majesty by any subsequent Order in Council.

XIII. And be it enacted, That no ship shall be admitted to be a British ship unless duly registered‡ and navigated as such, and that every British-registered ship (so long as the registry of such ship shall be in force, or the certificate of such registry retained for the use of such ship), shall be navigated during the whole of every voyage (whether with a cargo or in ballast), in every part of the world, by a master who is a British subject, and by a crew whereof three-fourths at least are British seamen; and if such ship be employed in a coasting voyage from one part of the United Kingdom to another, or in a voyage between the United Kingdom and the islands of Guernsey, Jersey, Alderney, Sark, or Man, or from one of the said islands to another of them, or from one part of either of them to another of the same, or be employed in fishing on the coasts of the United Kingdom or of any of the said islands, then the whole of the crew shall be British seamen.§

XIV. Provided always, and be it enacted, That all British-built boats or vessels under fifteen tons burden, wholly owned and navi-

\* Coasting ship confined to coasting voyage, § 115.

† Notice must be given before goods coastwise are laden or unladen, § 120.

‡ Officers of Customs may board coasting vessels, § 124. Times and places for landing and unloading, § 125. Goods prohibited to be exported may also be prohibited from being carried coastwise, § 126.

§ The term ship comprehends every description of vessel navigating on any sea or channel, or waters outside the mouths of rivers, also every vessel passing beyond the precincts of a port.

gated by British subjects, although not registered as British ships, shall be admitted to be British vessels in all navigation in the rivers and upon the coasts of the United Kingdom, or of the British possessions abroad,\* and not proceeding over sea, except within the limits of the respective Colonial Governments within which the managing owners of such vessels respectively reside; and that all British-built boats or vessels wholly owned and navigated by British subjects, not exceeding the burden of thirty tons, and not having a whole or a fixed deck, and being employed solely in fishing on the banks and shores of Newfoundland and of the parts adjacent, or on the banks and shores of the provinces of Canada, Nova Scotia, or New Brunswick, adjacent to the Gulf of Saint Lawrence, or on the north of Cape Canso, or of the islands within the same, or in trading coastwise within the said limits, shall be admitted to be British boats or vessels, although not registered, so long as such boats or vessels shall be solely so employed.

navigation upon rivers, &c., although not registered.

Vessels under thirty tons for Newfoundland fishery, &c., need not be registered.

XV. Provided also, and be it enacted, That all ships built in the British settlements at Honduras, and owned and navigated as British ships, shall be entitled to the privileges of British registered ships in all direct trade between the United Kingdom or the British possessions in America and the said settlements, provided the master shall produce a certificate under the hand of the superintendent of those settlements, that satisfactory proof has been made before him that such ship (describing the same) was built in the said settlements, and is wholly owned by British subjects: provided also, that the time of the clearance of such ship from the said settlements for every voyage shall be endorsed upon such certificate by such superintendent.

Honduras ships to be as British in trade with United Kingdom and Colonies in America.

XVI. And be it enacted, That no ship shall be admitted to be a ship of any particular country, unless she be of the build of such country, or have been made prize of war to such country, or have been forfeited to such country under any law of the same, made for the prevention of the slave trade, and condemned as such prize or forfeiture by a competent court of such country, or be British-built† (not having been a prize of war from British subjects to any other foreign country), nor unless she be navigated by a master who is a subject of such foreign country, and by a crew of whom three-fourths at least are subjects of such country, nor unless she be wholly owned by subjects of such country usually residing therein, or under the dominion thereof: provided always, that the country of every ship

Ship of any foreign country to be of the build of or prize to such country, or British-built, and owned and navigated by subjects of the country.

\* The term owner means one owner, if there be but one, and any and all the owners if there be more than one. The person having charge or command is deemed the master, and every person serving on board (except apprentices) are deemed seamen, 7 & 8 Vict., cap. 112, § 68.

† British vessels sold to foreigners lose British privileges, see cap 89, § 9.

shall be deemed to include all places which are under the same dominion as the place to which such ship belongs.

Master and seamen not British, unless natural born or naturalized, or subjects by conquest or cession, or having served in Her Majesty's ships of war.

Natives of India not to be British seamen.

One British seaman to twenty tons sufficient to constitute a proper crew.

4 G. 4, c. 80, §. 21.

3 & 4 Vict. c. 56.

XVII. And be it enacted, That no person shall be qualified to be a master of a British ship, or to be a British seaman within the meaning of this Act, except the natural-born subjects of Her Majesty, or persons naturalized by any Act of Parliament, or made denizens by letters of denization, or except persons who have become British subjects by virtue of conquest or cession of some newly acquired country, and who shall have taken the oath of allegiance to Her Majesty, or the oath of fidelity required by the treaty or capitulation by which such newly acquired country came into Her Majesty's possession, or persons who shall have served on board any of Her Majesty's ships of war in time of war for the space of three years: Provided always, that the natives of places within the limits of the East India Company's charter, although under British dominion, shall not, upon the ground of being such natives, be deemed to be British seamen: Provided always, that every ship (except ships required to be wholly navigated by British seamen) which shall be navigated by one British seaman if a British ship, or one seaman of the country of such ship if a foreign ship, for every twenty tons of the burden of such ship, shall be deemed to be duly navigated, although the number of other seamen shall exceed one-fourth of the whole crew: Provided also, that nothing herein contained shall extend to repeal or alter the Provisions of an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, for consolidating and amending the laws then in force with respect to trade from and to places within the limits of the East India Company's Charter,\* nor the provisions of an Act passed in the session of Parliament holden in the third and fourth years of her present Majesty, intituled "An Act further to regulate the Trade of Ships built and trading within the limits of the East India Company's Charter."

\* And whereas Lascars and other natives of the East are not deemed to be equal in strength and use to European or other seamen, and the requiring the proportion of three-fourths of British seamen in ships having as part of the crew Lascars and natives of the East, would compel such ships to carry a larger number of British seamen than other ships, or to employ a smaller number of Lascars and natives of the East than would be sufficient to make a proper crew; be it therefore enacted, That any ship or vessel duly registered, manned in part with Lascars or natives of India, which shall be commanded by a British master, and navigated by four British seamen, as part of the crew, for every hundred tons of her registered burthen, and so in proportion for any part of a hundred tons, shall be deemed, construed, and taken to be navigated according to law as to the crew of any such ship or vessel, although the number of such British seamen shall not be equal to the proportion of three-fourths of the whole crew of such ship or vessel; any thing in any Act or Acts of Parliament or law or laws to the contrary notwithstanding.—4 Geo. IV., cap. 80, § 21.

XVIII. Provided always, and be it enacted, That it shall be lawful for Her Majesty, by her royal proclamation during war, to declare that foreigners having served two years on board any of Her Majesty's ships of war in time of such war, shall be British seamen within the meaning of this Act.

Foreigners having served two years on board H.M.S. during war.

XIX. And be it enacted, That no British registered ship shall be suffered to depart any port in the United Kingdom, or any British possessions in any part of the world, (whether with a cargo or in ballast,) unless duly navigated : Provided always, that any British ships trading between places in America may be navigated by British Negroes, and that ships trading eastward of the Cape of Good Hope, within the limits of the East India Company's charter, may be navigated by Lascars, or other natives of countries within those limits.

British ship not to depart British port unless duly navigated, &c.

XX. And be it enacted, That if any British registered ship shall at any time have as part of the crew in any part of the world, any foreign seamen not allowed by law, the master or owners of such ship shall for every such foreign seaman forfeit the sum of ten pounds : Provided always, that if a due proportion of British seamen cannot be procured in any foreign port, or in any place within the limits of the East India Company's charter, for the navigation of any British ship, or if such proportion be destroyed during the voyage by any unavoidable circumstance, and the master of such ship shall produce a certificate of such facts under the hand of any British consul, or of two known British merchants, if there be no consul at the place where such facts can be ascertained, or from the British Governor of any place within the limits of the East India Company's charter, or in the want of such certificate shall make proof of the truth of such facts to the satisfaction of the collector and comptroller of the Customs of any British port, or of any person authorized in any other part of the world to inquire into the navigation of such ship, the same shall be deemed to be duly navigated.

Penalty for excess of foreign seamen.

XXI. And be it enacted, That if Her Majesty shall at any time by her royal proclamation declare that the proportion of British seamen necessary to the due navigation of British ships shall be less than the proportion required by this Act, every British ship navigated with the proportion of British seamen required by such proclamation shall be deemed to be duly navigated, so long as such proclamation shall remain in force.

Proportion of seamen may be altered by proclamation.

XXII. Provided always, and be it enacted, That goods of any sort, or the produce of any place, not otherwise prohibited than by the Law of Navigation herein-before contained, may be imported into the United Kingdom from any place in a British ship, and from any place, not being a British possession, in a foreign ship of any coun-

Goods prohibited only by Navigation Law may be imported for exportation.

try, and however navigated, to be warehoused for exportation only,\* under the provisions of any law in force for the time being, made for the warehousing of goods without payment of duty upon the first entry thereof.

Her Majesty may, by Order in Council, appoint ports in the British possessions abroad, wherein any goods imported in any vessel may be warehoused.

XXIII. And be it enacted, That it shall be lawful for Her Majesty from time to time, by any Order in Council, to declare that goods of any sort, or the produce of any place, not otherwise prohibited than by the Law of Navigation hereinbefore contained, may be imported into any port or ports of the British possessions abroad, to be named in such Order, from any place, in a British ship, and from any place not being a part of the British dominions, in a foreign ship of any country, and however navigated, to be warehoused for exportation only, under the provisions of any law in force for the time being, made for the warehousing of goods without payment of duty upon the first entry thereof; and from and after the date of any such Order it shall be lawful so to import, for the purpose of being warehoused for exportation only,† any such goods into the port or ports named therein, according to the provisions of the said Order, and until the revocation thereof; and any such Order in Council may from time to time be altered or revoked by Her Majesty by any subsequent Order in Council.

Forfeitures, how incurred.

XXIV. And be it enacted, That if any goods be imported, exported, or carried coastwise, contrary to the Law of Navigation, all such goods shall be forfeited, and the master of the ship in which the same are so imported, exported, or carried coastwise, shall forfeit the sum of one hundred pounds.

Recovery of forfeitures.

XXV. And be it enacted, That all penalties and forfeitures incurred under this Act shall be sued for, prosecuted, recovered, and disposed of, or shall be mitigated or restored, in like manner as any penalty or forfeiture can be sued for, prosecuted, recovered, and disposed of, or may be mitigated or restored under an Act passed in the present session of Parliament for the prevention of smuggling.

\* The goods must be reported and entered as being for exportation only; see 8 & 9 Vic., cap. 86. § 7—65,) and the following goods cannot be so imported for export; viz. goods prohibited on account of the package in which they are contained, or the tonnage of the ship in which they are laden; arms, ammunition, or utensils of war, gunpowder, infected hides, horns, hoofs, skins, or any other part of any cattle or beast; counterfeit coin or tokens; books wherein the copyright will be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, and of the existence and term of continuance of which notice has been given to the Commissioners of Customs: also copies of prints first engraved, drawn, &c., and of casts, sculptures or models first made in the United Kingdom; clocks and watches, being such as are prohibited to be imported for home use (8 & 9 Vic., cap. 86, § 64). Goods legally exported from the United Kingdom may, if the property continue in the same person, be re-imported within six years from date of exportation; but corn, grain, meal, flour, malt, hops and tea, may not be so re-imported (cap. 86, § 33).

† Goods can be warehoused in the colonies for exportation only at the following ports; but the Queen may declare any port in any British possession a warehousing port (cap. 93, § 48).

XXVI. And be it enacted, That this Act may be amended or repealed by any Act or Acts to be passed in this present session of Parliament. Alteration of Act.

## TABLE OF COLONIAL FREE WAREHOUSING PORTS.

Kingston . . .	} Jamaica.	Halifax . . .	}	
Montego Bay . .		Picton . . .		
Falmouth . . .		Liverpool . .		
Bridgetown . .	Barbadoes.	Yarmouth . .	} Nova Scotia.	
St. John's . .	Antigua.	Digby . . .		
Plymouth . .	Montserrat.	Sydney (Cape Breton) . .		
Basseterre . .	St. Kitts.	Arichat . . .	} New Brunswick.	
Charlestown . .	Nevis.	St. John's . .		
Road Harbour .	Tortola.	St. Andrew's .		
Cartrees . . .	St. Lucia.	Welchpool . .	Campo Bello.	
Roseau . . .	Dominica.	Quebec . . .	Canada.	
Kingstown . .	St. Vincent.	St. John's . .	} Newfoundland.	
St. Georges . .	Grenada.	Harbour Grace		
Port of Spain .	Trinidad.	Charlotte Town		Prince Edward's Island.
Scarborough . .	Tobago.			
George Town . .	Demerara		And further,	
New Amsterdam	Berbice			
Nassau . . .	New Providence	Kingston . .	} in Canada, are warehousing ports for goods brought by land or inland navigation, or imported in British ships.	
Grandkey . .	Turk's Island	Toronto . .		
Hamilton . . .	} Bermudas.	Hamilton . .		
St. Georges . .		and		
		Montreal . .		

## THE EIGHTH AND NINTH VICTORIA, CAP. LXXXIX.

AN ACT FOR THE REGISTERING OF BRITISH VESSELS.—[4th August, 1845.]

Commencement  
of Act.

WHEREAS an Act was passed in the session of Parliament held in the third and fourth years of the reign of King William the Fourth, intituled *An Act for the registering of British vessels*, whereby the laws in relation to the registration of British vessels were consolidated: and whereas since the passing of the said Act divers parts of Acts for the further amendment of the law in that respect have been found necessary, and it will be of advantage to trade and commerce that the said Act and parts of Acts should be consolidated into one Act: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the same shall come into and continue in full force for the purposes therein mentioned, except where any other commencement is herein particularly directed.

## CERTIFICATE OF REGISTRY.

No Vessel to  
enjoy Privileges  
until registered.

II. And be it enacted, That no ship or vessel shall be entitled to any of the privileges or advantages of a British-registered ship, unless the person or persons claiming property therein shall have caused the same to have been registered in virtue of the said Act, or of an Act passed in the sixth year of the reign of His late Majesty King George the Fourth, intituled *An Act for registering British vessels*, or of an Act passed in the fourth year of His said late Majesty's reign, intituled *An Act for the registering of British vessels*, or until such person or persons shall have caused the same to be registered in manner hereinafter mentioned, and shall have obtained a certificate of such registry from the person or persons authorized to make such registry and grant such certificate as hereinafter directed; the form of which certificate shall be as follows; (*vide licet*,)

Form of Certificate of Registry.

"THIS is to certify, That in pursuance of an Act passed in the session of Parliament holden in the eighth and ninth years of the reign of Queen Victoria, intituled *An Act* [here insert the title of this Act, the names, occupations, and residence of the subscribing



owners], having made and subscribed the declaration\* required by the said Act, and having declared that [he or they] together with [names, occupations, and residence of non-subscribing owners] is [or are] sole owner [or owners] in the proportions† specified on the back hereof of the ship or vessel called the [ship's name] of [place to which the vessel belongs], which is of the burden of [number of tons], and whereof [master's name] is master, and that the said ship or vessel was [when and where built, or condemned as prize, referring to builder's certificate,‡ judge's certificate,§ or certificate of last registry, then delivered up to be cancelled], and|| [name and employment of surveying officer] having certified to us that the said ship or vessel has [number] decks and [number] masts, that her length from the inner part of the main stem to the fore part of the stern-post aloft is [feet tenths], her breadth in midships is [feet tenths], her depth in hold at midships is [feet tenths], that she is [how rigged] rigged, with a [standing or running] bowsprit, is [description of stern] sterned, [carvel or clincher] built, has [whether any or not] gallery, and [kind of head, if any] head; and the said subscribing owners having consented and agreed to the above description, and having caused sufficient security¶ to be given as required by the said Act, the said ship or vessel called the name] has been duly registered\*\* at the port of [name of port]. Certified under our hands at the Custom House in the said port of [name of port], this [date] day of [name of month] in the year [words at length].

“(Signed)

Collector.

“(Signed)

Comptroller.”

And on the back of such certificate of registry there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following:

Names of the several Owners within mentioned.††	Number of Sixty-fourth Shares held by each Owner.
[Name] . . . . .	. . . . . Thirty-two.
[Name] . . . . .	. . . . . Sixteen.
[Name] . . . . .	. . . . . Eight.
[Name] . . . . .	. . . . . Eight.
	(Signed) Comptroller.
	(Signed) Collector.

\* See § 13.

† See § 35.

‡ See § 28.

§ See § 32.

|| See § 15.

¶ See § 23.

\*\* See § 10.

†† As to partners in firms, see § 35.

As to joint stock companies, see § 36.

## REGISTERING OFFICERS.

Persons authorised to make registry, &c.

In United Kingdom and Isle of Man :

In Guernsey, &c.

In Colonies in Asia, Africa, and America :

In territories of East India Company :

In other places within limits of the charter of E. I. C. :

In Malta, Gibraltar, &c.

Limitation as to vessels registered at Malta, Gibraltar, or Heligoland.

Certain powers of collectors and comptrollers, by whom to be exercised in certain cases.

III. And be it enacted, That the persons authorised and required to make such registry and grant such certificates shall be the several persons hereinafter mentioned and described ; (that is to say,)

The collector and comptroller of Her Majesty's Customs in any port in the United Kingdom of Great Britain and Ireland and in the Isle of Man respectively, in respect of ships or vessels to be there registered :

The principal officers of Her Majesty's customs in the islands of Guernsey or Jersey, together with the governor, lieutenant-governor, or commander-in-chief of those islands respectively, in respect of ships or vessels to be there registered :

The collector and comptroller of Her Majesty's Customs of any port in the British possessions in Asia, Africa, and America, or the collector of any such port at which no appointment of a comptroller has been made, in respect of ships or vessels to be there registered :

The collector of duties at any port in the territories under the government of the East India Company, within the limits of the charter of the said company, or any other person of the rank in the said company's service of senior merchant, or of six years standing in the said service, being respectively appointed to act in the execution of this Act by any of the governments of the said company, in respect of ships or vessels to be there registered :

The collector of duties at any British possession within the said limits, and not under the government of the said company, and at which a Custom-house is not established, together with the governor, lieutenant-governor, or commander-in-chief of such possession, in respect of ships or vessels to be there registered :

The governor, lieutenant-governor, or commander-in-chief of Malta, Gibraltar, and Heligoland respectively, in respect of vessels or ships to be there registered :

Provided always, That no ship or vessel shall be registered at Heligoland, except such as is wholly of the build of that place, and that ships or vessels registered at Malta, Gibraltar, or Heligoland shall not be registered elsewhere ; and that ships or vessels registered at Malta, Gibraltar, or Heligoland shall not be entitled to the privileges and advantages of British ships in any trade between the said United Kingdom and any of the British possessions in America :

Provided also, that wherever in and by this Act, it is directed or provided that any act, matter, or thing shall and may be done or performed by, to, or with any collector or comptroller of Her Majesty's Customs, the same shall or may be done or performed by, to, or with the several persons respectively hereinbefore authorised and required

to make registry and to grant certificates of registry as aforesaid, and according as the same act, matter, or thing is to be done or performed at the said several and respective places, and within the jurisdiction of the said several persons respectively: Provided also, that wherever in and by this Act it is directed or provided that any act, matter, or thing shall or may be done or performed by, to, or with the commissioners of Her Majesty's Customs, the same shall or may be done or performed by, to, or with the governor, lieutenant-governor, or commander-in-chief of any place where any ship or vessel may be registered under the authority of this Act, so far as such act, matter, or thing can be applicable to the registering of any ship or vessel at such place.\*

Powers of commissioners of customs in United Kingdom given to governors, &c., abroad.

#### SHIPS PRIVILEGED.

IV. And be it enacted, That in case any ship or vessel not being duly registered, and not having obtained such certificate of registry as aforesaid, shall exercise any of the privileges of a British ship, the same shall be subject to forfeiture, and also all the guns, furniture, ammunition, tackle, and apparel to the same ship or vessel belonging, and shall and may be seized by any officer or officers of Her Majesty's Customs: Provided always, that nothing in this Act shall extend or be construed to extend to affect the privileges of any ship or vessel duly registered prior to the commencement thereof.

Ships exercising privileges before registry to be forfeited;

V. And be it enacted, That no ship or vessel shall be registered, or having been registered shall be deemed to be duly registered by virtue of this Act, except such as are wholly of the build of the said United Kingdom, or of the Isle of Man, or of the islands of Guernsey or Jersey, or of some of the colonies, plantations, islands, or territories in Asia, Africa, or America, or of Malta, Gibraltar, or Heligoland,† which belonged to Her Majesty, her heirs or successors, at the time of the building of such ships or vessels, or such ships or vessels as shall have been condemned in any Court of Admiralty as prize of war,‡ or such ships or vessels as shall have been condemned in any competent court as forfeited for the breach of the laws made for the prevention of the slave trade, and which shall wholly belong and continue wholly to belong to Her Majesty's subjects duly entitled to be owners of ships or vessels registered by virtue of this Act.

but not to affect vessels registered under previous Acts. What ships are entitled to be registered.

VI. And be it enacted, That no Mediterranean pass shall be issued for the use of any ship as being a ship belonging to Malta or Gibraltar, except such as be duly registered at those places respectively, or such as, not being entitled to be so registered, shall have wholly belonged, before the tenth day of October, one thousand eight hun-

Mediterranean pass may be issued at Malta or Gibraltar for certain ships only.

\* See also as to powers of governors, § 47.

† See as to extent of privileges of vessels registered at Malta, Gibraltar, and Heligoland, § 3.

‡ See § 32.

dred and twenty-seven, and shall have continued wholly to belong to persons actually residing at those places respectively as inhabitants thereof, and entitled to be owners\* of British ships there registered, or who, not being so entitled, shall have so resided upwards of fifteen years prior to the said tenth day of October, one thousand eight hundred and twenty-seven.

#### SHIPS DISQUALIFIED.

Ships disqualified if foreign repairs exceed 20s. per ton.

VII. And be it enacted, That no ship or vessel shall continue to enjoy the privileges of a British ship after the same shall have been repaired in a foreign country, if such repairs shall exceed the sum of twenty shillings for every ton of the burden of the said ship or vessel, unless such repairs shall have been necessary, by reason of extraordinary damage sustained by such ship or vessel during her absence from Her Majesty's dominions, to enable her to perform the voyage in which she shall have been engaged, and to return to some port or place in the said dominions; and whenever any ship or vessel which has been so repaired in a foreign country shall arrive at any port in Her Majesty's dominions as a British-registered ship or vessel, the master or other person having the charge or command of the same, shall, upon the first entry thereof, report to the collector and comptroller of Her Majesty's Customs at such port that such ship or vessel has been so repaired, under penalty of twenty shillings for every ton of the burden of such ship or vessel, according to the admeasurement thereof; and if it shall be proved to the satisfaction of the commissioners of Her Majesty's Customs that such ship or vessel was seaworthy at the time when she last departed from any port or place in Her Majesty's dominions, and that no greater quantity of such repairs have been done to the said vessel than was necessary as aforesaid, it shall be lawful for the said commissioners, upon a full consideration of all the circumstances, to direct the collector and comptroller of the port where such ship or vessel shall have arrived, or where she shall then be, to certify on the certificate of the registry of such ship or vessel, that it has been proved to the satisfaction of the commissioners of Her Majesty's Customs that the privileges of the said ship or vessel have not been forfeited, notwithstanding the repairs which have been done to the same in a foreign country.

Unless the necessity of such repairs be proved to commissioners of Customs.

Ships declared unseaworthy to be deemed ships lost or broken up.

VIII. And be it enacted, That if any ship or vessel registered under the authority of this or any other Act shall be deemed or declared to be stranded or unseaworthy, and incapable of being recovered or repaired to the advantage of the owners thereof, and shall for such reasons be sold by order or decree of any competent court for the benefit of the owners of such ship or vessel or other persons interested therein, the same shall be taken and deemed to be a ship

\* See §§ 12, 13, 23; and for Joint Stock Companies, § 36.

or vessel lost or broken up to all intents and purposes within the meaning of this Act, and shall never again be entitled to the privileges of a British-built ship for any purposes of trade or navigation.\*

IX. And be it enacted, That no British ship or vessel which has been or shall hereafter be captured by and become prize to an enemy, or sold to foreigners, shall again be entitled to the privileges of a British ship: provided always, that nothing contained in this Act shall extend to prevent the registering of any ship or vessel whatever which shall afterwards be condemned in any Court of Admiralty as prize of war, or in any competent court, for breach of laws made for the prevention of the slave trade.

British ships captured not to be again entitled to registry; but ships condemned in Courts of Admiralty may be registered.

#### PORT OF REGISTRY.

X. And be it enacted, That no such registry shall hereafter be made, or certificate thereof granted, by any person or persons herein-before authorized to make such registry and grant such certificate, in any other port or place than the port or place to which such ship or vessel shall properly belong,† except so far as relates to such ships or vessels as shall be condemned as prizes in any of the islands of Guernsey, Jersey, or Man, which ships or vessels shall be registered in manner herein-after directed;‡ but all and every registry and certificate made and granted in any port or place to which any such ship or vessel does not properly belong shall be utterly null and void to all intents and purposes, unless the officers aforesaid shall be specially authorized and empowered to make such registry and grant such certificate in any other port by an order in writing under the hands of the commissioners of Her Majesty's Customs, which order the said commissioners are hereby authorized and empowered to issue if they shall see fit; and at every port where registry shall be made in pursuance of this Act, a book § shall be kept by the collector and comptroller, in which all the particulars contained in the form of the certificate of the registry herein-before directed || to be used shall be duly entered; and every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year; and such collector and comptroller shall forthwith, or within one month at the furthest, transmit to the commissioners of Her Majesty's Customs a true and exact copy, together with the number of every certificate which shall be by them so granted.¶

Ships shall be registered at the port to which they belong.

Commissioners of Customs may permit registry at other ports.

Book of registers to be kept, and accounts to be transmitted to commissioners.

\* As to delivering up certificate, see § 23.

† As to port to which ship is deemed to belong, see § 11. ‡ See § 33.

§ See § 43, as to extracts for the purpose of evidence.

|| See § 2, Form of certificate.

¶ Ships built in India prior to 1816, and having continued in British hands, are, for purposes of trade, within East India Company's Charter and Cape of Good Hope, deemed British ships, see 8th and 9th Vict., cap. 93, § 92. All ships built within the limits of said charter, and owned by British subjects, deemed British

Port to which vessels shall be deemed to belong.  
Change of subscribing owner to require registry *de novo*.

If registry *de novo* cannot be made, ship may go one voyage with permission endorsed on certificate of registry.

Ships built in foreign possessions for owners resident in United Kingdom may have a certificate from the collector, &c., to trade for two years, or until arrival in United Kingdom.

XI. And be it enacted, That every ship or vessel shall be deemed to belong to some port at or near to which some or one of the owners, who shall make and subscribe the declaration required by this Act \* before registry be made, shall reside ; and whenever such owner or owners shall have transferred all his or their share or shares in such ship or vessel, the same shall be registered *de novo* † before such ship or vessel shall sail or depart from the port to which she shall then belong, or from any other port which shall be in the same part of the United Kingdom, or the same colony, plantation, island, or territory, as the said port shall be in : provided always, that if the owner or owners of such ship or vessel cannot in sufficient time comply with the requisites of this Act, so that registry may be made before it shall be necessary for such ship or vessel to sail or depart upon another voyage, it shall be lawful for the collector and comptroller of the port where such ship or vessel may then be, to certify upon the back of the existing certificate of registry of such ship or vessel that the same is to remain in force for the voyage upon which the said ship or vessel is then about to sail or depart : provided also, that if any ship or vessel shall be built in any of the colonies, plantations, islands, or territories in Asia, Africa, or America, to Her Majesty belonging, for owners residing in the United Kingdom, and the master of such ship or vessel, or the agent for the owner or owners thereof, shall have produced to the collector and comptroller of the port at or near to which such ship or vessel was built the certificate of the builder required by this Act, ‡ and shall have made and subscribed a declaration before such collector and comptroller of the names and descriptions of the principal owners of such ship or vessel, and that she is the identical ship or vessel mentioned in such certificate of the builder, and that no foreigner, to the best of his knowledge and belief, has any interest therein, the collector and comptroller of such port shall cause such ship or vessel to be surveyed and measured in like manner as is directed for the purpose of registering any ship or vessel, § and shall give the master of such ship or vessel a certificate under their hands and seals, purporting to be under the authority of this Act, and stating when and where and by whom such ship or vessel was built, the description, tonnage, and other particulars required on registry of any ship or vessel, and such certificate shall have all the force and virtue of a certificate of registry under this Act, during the term of two years, unless such ship shall sooner arrive at some place in the United Kingdom ; and such collector and

ships, 3rd & 4th Vict., cap. 56, § 3. Ships belonging to native princes or states in India, in subordinate alliance, or having subsidiary treaties with the East India Company, may by the Governor-General in Council be admitted to the full privileges of British ships, for the purposes of trade within the limits of the said Charter, and including the Cape of Good Hope, § 4.

\* See § 13, Form of Declaration.

† Ships altered, see § 81.

‡ See § 28, Builder's Certificate.

§ See § 15, Survey by Customs.

comptroller shall transmit a copy of such certificate to the commissioners of Her Majesty's Customs.\*

#### OWNERS DISQUALIFIED.

XII. And be it enacted, that no person who has taken the oath of allegiance to any foreign state,† except under the terms of some capitulation, unless he shall afterwards become a denizen or naturalized subject of the United Kingdom by Her Majesty's Letters Patent or by Act of Parliament, nor any person usually residing in any country not under the dominion of Her Majesty, her heirs and successors, unless he be a member of some British factory, or agent for, or partner in any house or copartnership actually carrying on trade in Great Britain or Ireland, shall be entitled to be the owner, in whole or in part, directly or indirectly, of any ship or vessel required and authorised to be registered by virtue of this Act.

Foreigners and persons residing in foreign countries may not be owners, unless members of British factories, or agents for or partners in British houses.

#### DECLARATION PREVIOUS TO REGISTRY.

XIII. And be it enacted, that no registry shall henceforth be made or certificate granted until the following declaration be made and subscribed, before the person or persons hereinbefore authorised‡ to make such registry and grant such certificate respectively, by the owner of such ship or vessel if such ship or vessel is owned by or belongs to one person only, or in case there shall be two joint owners, then by both of such joint owners if both shall be resident within twenty miles of the port or place where such registry is required, or by one of such owners, if one or both of them shall be resident at a greater distance from such port or place, or if the number of such owners or proprietors shall exceed two, then by the greater part of the number of such owners or proprietors if the greater number of them shall be resident within twenty miles of such port or place as aforesaid, not in any case exceeding three§ of such owners or proprietors, unless a greater number shall be desirous to join in making and subscribing the said Declaration, or by one of such owners, if all, or all except one, shall be resident at a greater distance : ||

Declaration to be made by subscribing owners previous to registry.

" I, A. B. of [place of residence and occupation] do truly declare, that the ship or vessel [name] of [port or place], whereof [master's name] is at present master, being [kind of build, burden, et cætera, as described in the certificate of the surveying officer], was [when and where built, or, if prize or forfeited, capture and condemnation as

Form of Declaration.

\* For limit of privilege to ships of countries granting privileges to British ships, see cap. 98, § 4.

† This includes every foreigner. See the Declaration required by § 13 ; see also § 5. But foreigners may be shareholders in a Joint Stock Company owning British ships. See Form of Declaration by Company or Corporation, § 13.

‡ See § 3.

§ See § 15.

|| See Registry Act, 8th and 9th Vict. cap. 89.

such], and that I, the said A.B. [and the other owners' names and occupations, if any, and where they respectively reside (videlicet,) town, place, or parish, and county, or if member of and resident in any factory in foreign parts, or in any foreign town or city, being an agent for or partner in any house or copartnership actually carrying on trade in great Britain or Ireland, the name of such factory, foreign town, or city, and the names of such house or copartnership] am [or are] sole owner [or owners] of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and that I the said A. B. [and the said other owners, if any,] am [or are] truly and bonâ fide a subject [or subjects] of Great Britain, and that I the said A. B. have not [nor have any of the other owners, to the best of my knowledge and belief,] taken the oath of allegiance to any foreign state whatever [except under the terms of some capitulation, describing the particulars thereof], or that since my taking [or his or their taking] the oath of allegiance to [naming the foreign states respectively to which he or any of the said owners shall have taken the same] I have [or he or they hath or have] become a denizen [or denizens, or naturalized subject or subjects, as the case may be,] of the United Kingdom of Great Britain and Ireland by Her Majesty's Letters Patent, or by an Act of Parliament [naming the times when such letters of Denization have been granted respectively, or the year or years in which such Act or Acts for naturalization have passed respectively], and that no foreigner, directly or indirectly, hath any share or part interest in the said ship or vessel:—"

Declaration by Corporation.

Provided always, that if it shall become necessary to register any ship or vessel belonging to any corporate body\* in the United Kingdom, the following Declaration in lieu of the Declaration hereinbefore directed, shall be taken and subscribed by the secretary or other proper officer of such corporate body; (that is to say,)

"I, A. B., Secretary [or officer] of [name of company or corporation], do truly declare, that the ship or vessel [name] of [port] whereof [master's name] is at present master, being [kind of build, burden, et cætera, as described in the certificate of the surveying officer], was [when and where built, or, if prize or forfeited, capture and condemnation as such], and that the same doth wholly and truly belong to [name of company or corporation]."

Addition to declaration in case the required number of owners do not attend.

XIV. And be it enacted, that in case the required number of joint owners or proprietors of any ship or vessel shall not personally attend to make and subscribe the Declaration hereinbefore directed to be made and subscribed, then, and in such case, such owner or owners, proprietor or proprietors, as shall personally attend and make and

\* See provision for Joint Stock Companies, § 36.



subscribe the Declaration aforesaid, shall further declare that the part owner or part owners of such ship or vessel then absent is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief, wilfully absented himself or themselves in order to avoid the making the Declaration hereinbefore directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said Declaration.

## SURVEY.

XV. And in order to enable the collector and comptroller of Her Majesty's Customs to grant a certificate,\* truly and accurately describing every ship or vessel to be registered in pursuance of this Act, and also to enable all other officers of Her Majesty's Customs, on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted, be it enacted, That previous to the registering or granting of any certificate of registry as aforesaid, some one or more person or persons appointed by the Commissioners of Her Majesty's Customs, (taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships), shall go on board of every such ship or vessel as is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel as to all and every particular contained in the form of the certificate hereinbefore directed, in the presence of the master or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description, and admeasurement of every such ship or vessel as are specified in the form of the certificate above recited, to the collector and comptroller authorized as aforesaid to make such registry and grant such certificate of registry; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such surveying or examining officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Vessels to be surveyed previous to registry.

Certificate of survey to be given.

Owner or master concurring therein.

XVI. And be it enacted, That from and after the commencement of this Act, the tonnage of every ship or vessel required by law to be registered, shall, previous to her being registered, be measured and ascertained while her hold is clear, and according to the following rule; (that is to say,) divide the length of the upper deck between the after part of the stem and the fore part of the stern-post into six equal parts; depths, at the foremost, the middle, and

The rule by which tonnage of vessels is to be ascertained.

\* See Form of Certificate, § 2.

the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the under side of the upper deck to the ceiling at the limber strake; in the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck; breadths, divide each of those three depths into five equal parts, and measure the inside breadths at the following points; (*videlicet*,) at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth; length, at half the midship depth measure the length of the vessel from the after part of the stem to the fore part of the stern-post; then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register; if the vessel have a poop or half-deck, or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulkhead; multiply these three measurements together, and dividing the product by 92.4, the quotient will be the number of tons to be added to the result as above found; in order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

Mode of ascertaining tonnage of steam vessels.

XVII. Provided always, and be it enacted, That in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine-room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship or vessel; the tonnage due to the cubical contents of the engine-room shall be determined in the following manner; (that is to say,) measure the inside length of the engine-room in feet and decimal parts of a foot from the foremost to the aftermost bulkhead, then multiply the said length by the depth of the ship or vessel at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck, taken as aforesaid, and divide the last product by 92.4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine-room.

Length and cubical contents of engine-room to be set forth

XVIII. Provided always, and be it enacted, That the tonnage due to the cubical contents of the engine-room, and also the length of the engine-room, shall be set forth in the certificate of registry as

part of the description of the ship or vessel, and that any alteration of such tonnage due to the cubical contents of the engine-room, or of such length of the engine-room after registry, shall be deemed to be an alteration requiring registry *de novo* within the meaning of this Act.

in description of  
steam vessels.

XIX. And be it enacted, That for the purpose of ascertaining the tonnage of all such ships as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed, and is hereby established; (that is to say,) measure first the length on the upper deck between the after part of the stem and the fore part of the stern-post; secondly, the inside breadth on the under side of the upper deck at the middle point of the length; and thirdly, the depth from the under side of the upper deck down the pump well to the skin; multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnages of such ships; if the vessel have a poop or half-deck or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulkhead, multiply these three measurements together, and, dividing the product by ninety-two and four-tenths, the quotient will be the number of tons to be added to the result above found.

Rule for  
measuring ships  
with cargoes on  
board.

XX. And be it enacted, That the true amount of the register tonnage of every ship or vessel required by law to be registered, ascertained according to the rule by this Act established, shall be deeply carved or cut, in figures at least three inches in length, on the main beam of every such ship or vessel prior to her being registered.

Amount of  
registered ton-  
nage to be  
carved on main  
beam.

XXI. And be it enacted, That nothing herein contained shall extend to alter the present measure of tonnage of any ship or vessel which shall have been registered prior to the commencement of this Act, unless in cases where the owners of any such ships shall require to have their tonnage established according to the rule hereinbefore provided, or unless there shall be occasion to have any such ship admeasured again on account of any alteration which shall have been made in the form or burden of the same, in which cases only such ships shall be re-admeasured according to the said rule, and their tonnage registered accordingly.

Not to alter ton-  
nage of vessels  
already regis-  
tered.

XXII. And be it enacted, That whenever the tonnage of any ship or vessel shall have been ascertained according to the rules herein prescribed, such account of tonnage shall ever after be deemed the tonnage of such ship or vessel, and shall be repeated in every subsequent registry of such ship or vessel, unless it shall happen that any alteration has been made in the form and burden of such ship or vessel, or it shall be discovered that the tonnage of such ship or vessel had been erroneously taken and computed.

Tonnage, when  
so ascertained,  
to be ever after  
deemed the ton-  
nage.

## REGISTRY BOND.

Bond to be given  
at the time of  
registry.

XXIII. And be it enacted, That at the time of the obtaining of the certificate of registry as aforesaid\* sufficient security by bond† shall be given to Her Majesty, her heirs and successors, by the master and such of the owners as shall personally attend as is hereinbefore required, such security to be approved of and taken by the person or persons hereinbefore authorised to make such registry, and grant such certificate of registry, at the port or place in which such certificate shall be granted, in the penalties following; (that is to say,) if such ship or vessel shall be a decked vessel, or be above the burden of fifteen tons, and not exceeding fifty tons, then in the penalty of one hundred pounds; if exceeding the burden of fifty tons, and not exceeding one hundred tons, then in the penalty of three hundred pounds; if exceeding the burden of one hundred tons, and not exceeding two hundred tons, then in the penalty of five hundred pounds; if exceeding the burden of two hundred tons, and not exceeding three hundred tons, then in the penalty of eight hundred pounds; and if exceeding the burden of three hundred tons, then in the penalty of one thousand pounds; and the condition of every such bond shall be, that such certificate shall not be sold, lent, or otherwise disposed of to any person or persons whatever, and that the same shall be solely made use of for the service of the ship or vessel for which it is granted; and that in case such ship or vessel shall be lost‡ or taken by the enemy, burnt or broken up, or otherwise prevented from returning to the port to which she belongs, or shall on any account have lost and forfeited the privileges of a British ship,§ or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt, and sold by due process of law, or shall have been sold to the crown, or shall under any circumstances have been registered *de novo*, the certificate, if preserved shall be delivered up within one month after the arrival of the master in any port or place in Her Majesty's dominions to the collector and comptroller of some port in Great Britain, or of the Isle of Man, or of the British plantations, or to the governor, lieutenant-governor or commander-in-chief for the time being of the islands of Guernsey or Jersey; and that if any foreigner, or any person or persons for the use and benefit of any foreigner, shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of Great Britain, or of the islands of Guernsey, Jersey, or Man, or of the British colonies, plantations, islands, or territories aforesaid, then and in such case the certificate of registry shall,

Conditions that  
the certificate  
shall be solely  
made use of for  
the service of  
the vessel, or  
given up to be  
cancelled, in  
certain cases.

\* Form of certificate, see § 2.

† See vessels unseaworthy, § 8.

‡ As to stamp duty on bonds, see § 25.

§ §§ 5, 7, 8, 9, 27, 31.

within seven days after such purchase or transfer of property in such ship or vessel be delivered up to the person or persons hereinbefore authorised to make registry, and grant certificate of registry, at such port or place respectively as aforesaid ; and if such ship or vessel shall be in any foreign port when such purchase or transfer of property shall take place, then that the certificate shall be delivered up to the British Consul or other chief British officer resident at or nearest to such foreign port, or if such ship or vessel shall be at sea when such purchase or transfer of property shall take place, then that the certificate shall be delivered up to the British Consul or other chief British officer at the foreign port or place in or at which the master or other person having or taking the charge or command of such ship or vessel shall first arrive after such purchase or transfer of property at sea, immediately after his arrival at such foreign port ; but if such master or other person who had the command thereof at the time of such purchase or transfer of property at sea shall not arrive at a foreign port, but shall arrive at some port of Great Britain, or of the islands of Guernsey, Jersey, or Man, or of Her Majesty's said colonies, plantations, islands, or territories, then that the certificate shall be delivered up in manner aforesaid within fourteen days after the arrival of such ship or vessel, or of the person who had the command thereof in any port of Great Britain, or of the islands of Guernsey, Jersey, or Man, or of any of Her Majesty's said colonies, plantations, islands, or territories : Provided always, that if it shall happen that at the time of registry of any ship or vessel the same shall be at any other port than the port to which she belongs, so that the master of such ship or vessel cannot attend at the port of registry to join with the owner or owners in such bond as aforesaid, it shall be lawful for him to give a separate bond to the like effect at the port where such ship or vessel may then be, and the collector and comptroller of such other port shall transmit such bond to the collector and comptroller of the port where such ship or vessel is to be registered ; and such bond, and the bond also given by the owner or owners, shall together be of the same effect against the master and owner or owners, or either of them, as if they had bound themselves jointly and severally in one bond.

XXIV. And be it enacted, That when and so often as the master or other person having or taking the charge or command of any ship or vessel, registered in manner hereinbefore directed, shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons hereinbefore authorised to make such registry, and grant such certificates of registry, at the port where such change shall take place, the certificate of registry belonging to such ship or vessel, who shall thereupon endorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last regis-

If ship at the time of registry be at any other port than that of registry, the master may there give bond.

When master is changed, new master to give similar bond, and his name to be endorsed on certificate of registry.

tered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof to the commissioners of Her Majesty's Customs: provided always, that before the name of such new master shall be endorsed on the certificate of registry, he shall be required to give and shall give a bond in the like penalties and under the same conditions as are contained in the bond hereinbefore required to be given at the time of registry of any ship or vessel.

Bonds liable to same duties as bonds for Customs.

Certificate of registry to be given up by all persons as directed by the bond.

XXV. And be it enacted, That all bonds required by this Act shall be liable to the same duties of Stamps as bonds given for, or in respect of, the duties of Customs, are or shall be liable to under any Act for the time being in force for granting duties of Stamps.

XXVI. And be it enacted, That if any person whatever shall at any time have possession of and wilfully detain any certificate of registry, granted under this or any other Act, which ought to be delivered up to be cancelled, according to any of the conditions of the bond hereinbefore required to be given upon the registry of any ship or vessel, such person is hereby required and enjoined to deliver up such certificate of registry in manner directed by the conditions of such bond in the respective cases, and under the respective penalties therein provided.

#### SHIP'S NAME.

Name of vessel which has been registered never afterwards to be changed, and to be painted on the stern.

XXVII. And be it enacted, That it shall not be lawful for any owner or owners of any ship or vessel to give any name to such ship or vessel\* other than that by which she was first registered in pursuance of this or any other Act; and the owner or owners of all and every ship or vessel which shall be so registered shall, before such ship or vessel after such registry shall begin to take in any cargo, paint, or cause to be painted, in white or yellow letters, of a length of not less than four inches, upon a black ground, upon some conspicuous part of the stern, the name by which such ship or vessel shall have been registered, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same; and if such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in any cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done, (unless in the case of square-rigged vessels in time of war,) or shall, in any written or printed paper or other document, describe such ship or vessel by any name

\* Boats of vessels to have name of vessel, port, and master painted thereon. Boats not belonging to ships to have painted on them names of owner and port. (8 & 9 Vict., c. 87, § 12, 13.)

other than that by which she was first registered, or shall verbally describe or cause or procure or permit such ship or vessel to be described by any other name to any officer or officers of Her Majesty's revenue in the due execution of his or their duty, then and in every such case such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall forfeit the sum of one hundred pounds.

Penalty for omission, £100.

#### BUILDER'S CERTIFICATE.

XXVIII. And be it enacted, That all and every person and persons who shall apply for a certificate of the registry of any ship or vessel shall, and they are hereby required to produce to the person or persons authorized to grant such certificate\* a true and full account,† under the hand of the builder of such ship or vessel, of the proper denomination of such vessel, and of the time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, together with the name of the first purchaser or purchasers thereof, (which account such builder is hereby directed and required to give under his hand, on the same being demanded by such person or persons so applying for a certificate as aforesaid,) and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate, that the ship or vessel for which such certificate is required is the same with that which is so described by the builder as aforesaid: provided always, that where by reason of the death of such builder, or some other unavoidable cause, such certificate cannot be produced, it shall be lawful for the commissioners of Her Majesty's Customs, on proof being made to their satisfaction of all the particulars required as aforesaid, to dispense with the account hereby required under the hand of the builder, and to allow the certificate of registry to be granted.

Builder's certificate of particulars of ship.

Declaration to be made thereto.

Power to commissioners of Customs to dispense with builder's certificate.

#### LOST CERTIFICATE OF REGISTRY.

XXIX. And be it enacted, That if the certificate of registry of any ship or vessel shall be lost or mislaid so that the same cannot be found or obtained for the use of such ship or vessel when needful, and proof thereof shall be made to the satisfaction of the commissioners of Her Majesty's Customs,‡ such commissioners shall and may permit such ship or vessel to be registered *de novo*, and a certificate thereof to be granted: provided always, that if such ship or vessel be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such commissioners shall and may grant a licence for the pre-

Certificate of registry lost or mislaid.

Commissioners may permit registry *de novo*, or grant licence.

\* For persons authorized to grant certificates, see § 3.

† For penalty, if false, see § 48.

‡ See like power to Governors, § 3.

sent use of such ship or vessel, which licence shall, for the time, and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry: provided also, that before such registry *de novo* be made, the owner or owners and master shall give bond to the commissioners aforesaid, in such sum as to them shall seem fit, with a condition that if the certificate of registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper officers of Her Majesty's Customs to be cancelled, and that no illegal use has been or shall be made thereof with his or their privy or knowledge; and further, that before any such licence shall be granted as aforesaid, the master of such ship or vessel shall also make and subscribe a declaration that the same has been registered as a British ship, naming the port where and the time when such registry was made, and all the particulars contained in the certificate thereof, to the best of his knowledge and belief, and shall also give such bond and with the same condition as is hereinbefore mentioned: provided also, that before any such licence shall be granted, such ship or vessel shall be surveyed in like manner as if a registry *de novo* were about to be made thereof, and the certificate of such survey shall be preserved by the collector and comptroller of the port to which such ship or vessel shall belong; and in virtue thereof it shall be lawful for the said commissioners, and they are hereby required, to permit such ship or vessel to be registered after her departure, whenever the owner or owners shall personally attend to take and subscribe the declaration required by this Act before registry be made, and shall also comply with all other requisites of this Act, except so far as relates to the bond to be given by the master of such ship or vessel, which certificate or registry the said commissioners shall and may transmit to the collector and comptroller of any other port, to be by them given to the master of such ship or vessel upon his giving such bond, and delivering up the licence which had been granted for the then present use of such ship or vessel.

Persons detain-  
ing certificate of  
registry to for-  
feit £100.

XXX. And whereas it is not proper that any person, under any pretence whatever, should detain the certificate of registry of any ship or vessel, or hold the same for any purpose other than the lawful use or navigation of the ship or vessel for which it was granted; be it therefore enacted, that in case any person who shall have received or obtained, by any means or for any purpose whatever, the certificate of the registry of any ship or vessel, (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or vessel or not,) shall wilfully detain and refuse to deliver up the same to the proper officers of Her Majesty's Customs for the purposes of such ship or vessel as occasion shall require, or to the person or persons having the actual command, possession, and management of such ship or vessel as the ostensible and reputed master, or as the ostensible and reputed



owner or owners thereof, it shall be lawful to and for any such last-mentioned person to make complaint, on oath, of such detainer and refusal, to any justice of the peace residing near to the place where such detainer and refusal shall be in Great Britain or Ireland, or to any member of the supreme court of justice, or to any deemster or justice of the peace, in the islands of Jersey, Guernsey, or Man, or in any colony, plantation, island, or territory to Her Majesty belonging in Asia, Africa, or America, or in Malta, Gibraltar, or Heligoland, where such detainer and refusal shall be in any of the places last mentioned; and on such complaint the said justice or other magistrate shall and is hereby required, by warrant, under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal; and if it shall appear to the said justice or other magistrate, on examination of such person or otherwise, that the said certificate of registry is not lost or mislaid, but is wilfully detained by the said person, such person shall be thereof convicted, and shall forfeit and pay the sum of one hundred pounds, and on failure of payment thereof he shall be committed to the common gaol, there to remain without bail or mainprize for such time as the said justice or other magistrate shall in his discretion deem proper, not being less than three months, nor more than twelve months; and the said justice or other magistrate shall certify the aforesaid detainer, refusal, and conviction to the person or persons who granted such certificate of registry for such ship or vessel, who shall, on the terms and conditions of law being complied with, make registry of such ship or vessel *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which such ship or vessel was so registered *de novo*; and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded, so that the said warrant of the justice or other magistrate cannot be executed upon him, and proof thereof shall be made to the satisfaction of the commissioners of Her Majesty's Customs, it shall be lawful for the said commissioners to permit such ship or vessel to be registered *de novo*, or otherwise, in their discretion, to grant a licence for the present use of such ship or vessel, in like manner as is hereinbefore provided in the case wherein the certificate of registry is lost or mislaid.\*

## SHIP ALTERED.

XXXI. And be it enacted, That if any ship or vessel, after she shall have been registered, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the

Ship altered in certain manner to be registered *de novo*.

\* If certificate lost, vessel may be re-registered, see § 29.

certificate of her registry, in such case such ship or vessel shall be registered *de novo*, in manner hereinbefore required,\* as soon as she returns to the port to which she belongs, or to any other port which shall be in the same part of the United Kingdom, or in the same colony, plantation, island, or territory as the said port shall be in, on failure whereof such ship or vessel shall, to all intents and purposes, be considered and deemed and taken to be a ship or vessel not duly registered.

Vessels condemned as prize, or for breach of laws against slave trade, certificate of condemnation to be produced.

XXXII. And be it enacted, That the owner or owners of all ships and vessels taken by any of Her Majesty's ships or vessels of war, or by any private or other ship or vessel, and condemned as lawful prize in any Court of Admiralty, or of ships or vessels condemned in any competent court as forfeited for breach of the laws for the prevention of the slave trade, shall, for the purpose of registering any such ship or vessel, produce to the collector and comptroller of Her Majesty's Customs a certificate of the condemnation of such ship or vessel under the hand and seal of the judge of the court in which such ship or vessel shall have been condemned, (which certificate such judge is hereby authorized and required to grant), and also a true and exact account in writing of all the particulars contained in the certificate hereinbefore set forth, to be made and subscribed by one or more skilful person or persons to be appointed by the court then and there to survey such ship or vessel, and shall also make and subscribe a declaration before the collector and comptroller that such ship or vessel is the same vessel which is mentioned in the certificate of the judge aforesaid.

#### PRIZE.

Prize vessels not to be registered at Guernsey, Jersey, or Man, but at certain ports.

XXXIII. Provided always, and be it enacted, That no ship or vessel which shall be taken and condemned as prize or forfeiture as aforesaid, shall be registered in the islands of Guernsey, Jersey, or Man, although belonging to Her Majesty's subjects residing in those islands, or in some one or other of them, but the same shall be registered either at Southampton, Weymouth, Exeter, Plymouth, Falmouth, Liverpool, or Whitehaven, by the collector and comptroller at such ports respectively, who are hereby authorised and required to register such ship or vessel, and to grant a certificate thereof in the form and under the regulations and restrictions in this Act contained.

#### BILL OF SALE.

XXXIV. And be it enacted, That when and so often as the property in any ship or vessel, or any part thereof, belonging to any

\* Change of subscribing owner requires re-registry, see § 11. Alteration of cubical contents, or length of engine-room in steam vessel, requires re-registry see § 18.

Transfer of interest to be made by bill of sale.

of Her Majesty's subjects, shall, after registry thereof, be sold to any other or others of Her Majesty's subjects, the same shall be transferred by bill of sale,\* or other instrument in writing, containing a recital of the certificate of registry of such ship or vessel, or the principal contents thereof, otherwise such transfer shall not be valid or effectual for any purpose whatever, either in law or in equity: Provided always, that no bill of sale shall be deemed void by reason of any error in such recital, or by the recital of any former certificate of registry instead of the existing certificate, provided the identity of the ship or vessel intended in the recital be effectually proved thereby.

#### DIVISION INTO SHARES.

XXXV. And be it enacted, That the property in every ship or vessel of which there are more than one owner, shall be taken and considered to be divided into sixty-four equal parts or shares, and the proportion held by each owner shall be described in the registry as being a certain number of sixty-fourth parts or shares, and that no person shall be entitled to be registered as an owner of any ship or vessel, in respect of any proportion of such ship or vessel, which shall not be an integral sixty-fourth part or share of the same; and upon the first registry of any ship or vessel the owner or owners who shall take and subscribe the declaration required by this Act,† before registry be made shall also declare the number of such parts or shares then held by each owner, and the same shall be so registered accordingly: Provided always, that if it shall at any time happen that the property of any owner or owners in any ship or vessel cannot be reduced by division into any number of integral sixty-fourth parts or shares, it shall and may be lawful for the owner or owners of such fractional parts as shall be over and above such number of integral sixty-fourth parts or shares into which such property in any ship or vessel can be reduced by division to transfer the same to one another, or jointly to any new owner, by memorandum upon their respective bills of sale, or by fresh bill of sale, without such transfer being liable to any stamp duty: Provided also, that the right of any owner or owners to any such fractional parts shall not be affected by reason of the same not having been registered: Provided also, that it shall be lawful for any number of such owners named and described in such registry, being partners in any house or copartnership actually carrying on trade in any part of Her Majesty's dominions, to hold any ship or vessel, or any share or shares of any ship or vessel, in the name of such house or copartnership, as joint owners thereof, without distinguishing the proportionate interest of each of such owners; and that such ship or vessel, or the share or shares thereof so held in copartnership, shall be

Property in ships to be divided into sixty-four parts or shares.

\* For rule as to bill of sale and form of endorsement, see § 37.

† See form of declaration, § 13.

deemed and taken to be partnership property to all intents and purposes, and shall be governed by the same rules both in law and equity as relate to and govern all other partnership property in any other goods, chattels, and effects whatsoever.

Only thirty-two persons to be owners of any ship at one time.

XXXVI. And be it enacted, That no greater number than thirty-two persons shall be entitled to be legal owners at one and the same time of any ship or vessel as tenants in common, or to be registered as such: Provided always, that nothing herein contained shall affect the equitable title of minors, heirs, legatees, creditors, or others, exceeding that number, duly represented by or holding from any of the persons within the said number registered as legal owners of any share or shares of such ship or vessel: Provided also, that if it shall be proved to the satisfaction of the commissioners of Her Majesty's Customs, that any number of persons have associated themselves as a Joint Stock Company for the purpose of owning any ship or vessel, or any number of ships or vessels, as the joint property of such company, and that such company have duly elected or appointed any number not less than three of the members of the same to be trustees of the property in such ship or vessel or ships or vessels so owned by such company, it shall be lawful for such trustees, or any three of them, with the permission of such commissioners, to make and subscribe the declaration required by this Act before registry be made, except that instead of stating therein the names and descriptions of the other owners, they shall state the name and description of the company to which such ship or vessel or ships or vessels shall in such manner belong.

Joint-stock companies.

Trustees may apply to have registry made.

#### TRANSFERS.

Bills of sale not effectual until produced to officers of Customs, and entered in the book of registry or of intended registry.

XXXVII. And be it enacted, That no bill of sale or other instrument in writing shall be valid and effectual to pass the property in any ship or vessel, or in any share thereof, or for any other purpose,\* until such bill of sale or other instrument in writing shall have been produced to the collector or comptroller of the port at which such ship or vessel is already registered, or to the collector and comptroller of any other port at which she is about to be registered *de novo*, as the case may be, nor until such collector and comptroller respectively shall have entered in the book of such last registry in the one case, or in the book of such registry *de novo*, after all the requisites of law for such registry *de novo* shall have been duly complied with, in the other case, (and which they are respectively hereby required to do upon the production of the bill of sale or other instrument for that purpose,) the name, residence, and description of the vendor or mortgagor, or of each vendor or mortgagor if

\* As to transfer by way of mortgage, see § 45. Transfer being registered, rights of mortgagee or other assignee not affected by any act of bankruptcy of mortgagor, &c.; see § 46.

more than one, the number of shares transferred, the name, residence, and description of the purchaser or mortgagee, or of each purchaser or mortgagee if more than one, and the date of the bill of sale or other instrument and of the production of it; and further, if such ship or vessel is not about to be registered *de novo*, the collector and comptroller of the port where such ship is registered shall, and they are hereby required to endorse the aforesaid particulars of such bill of sale or other instrument on the certificate of registry of the said ship or vessel, when the same shall be produced to them for that purpose, in manner and to the effect following; (*videlicet*),

"Custom-house [Port and date.]

Form of endorsement.

"Name, residence, and description of vendor or mortgagor]\* has transferred by [bill of sale or other instrument], dated [date; number of shares] to [name, residence, and description of purchaser or mortgagee].

"A. B., Collector.

"C. D., Comptroller."

And forthwith to give notice thereof to the commissioners of Customs; and in case the collector and comptroller shall be desired so to do, and the bill of sale or other instrument shall be produced to them for that purpose, then the said collector and comptroller are hereby required to certify by endorsement upon the bill of sale or other instrument that the particulars before mentioned have been so entered in the book of registry, and endorsed upon the certificate of registry as aforesaid.

XXXVIII. And be it enacted, That when and so soon as the particulars of any bill of sale or other instrument by which any ship or vessel, or any share or shares thereof, shall be transferred, shall have been so entered in the book of registry as aforesaid, and the said bill of sale or other instrument shall be valid and effectual to pass the property thereby intended to be transferred as against all and every person and persons whatsoever, and to all intents and purposes, except as against such subsequent purchasers and mortgagees who shall first procure the endorsement to be made upon the certificate of registry of such ship or vessel in manner hereinafter mentioned.†

Entry of bill of sale to be valid, except in certain cases.

XXXIX. And be it enacted, That when and after the particulars of any bill of sale or other instrument by which any ship or vessel, or any share or shares thereof, shall be transferred,‡ shall have been so entered in the book of registry as aforesaid, the collector and comptroller shall not enter in the book of registry the particulars of any other bill of sale or instrument purporting to be a transfer by the same vendor or mortgagor or vendors or mortgagors of the same

When a bill of sale has been entered for any shares, thirty days shall be allowed for endorsing the certificate of registry before any other bill of sale for the same shall be entered.

\* In certain cases, endorsement to state particulars of transfer, being by way of security for payment of debts; see § 45.

† See § 39.

‡ See § 37.

ship or vessel, share or shares thereof, to any other person or persons, unless thirty days shall elapse from the day on which the particulars of the former bill of sale or other instrument were entered in the book of registry, or in case the ship or vessel was absent from the port to which she belonged at the time when the particulars of such former bill of sale or other instrument were entered in the book of registry, then unless thirty days shall have elapsed from the day on which the ship or vessel arrived at the port to which the same belonged; and in case the particulars of two or more such bills of sale or other instruments as aforesaid shall at any time have been entered in the book of registry of the said ship or vessel, the collector and comptroller shall not enter in the book of registry the particulars of any other bill of sale or other instrument as aforesaid, unless thirty days shall in like manner have elapsed from the day on which the particulars of the last of such bills of sale or other instrument were entered in the books of registry, or from the day on which the ship or vessel arrived at the port to which she belonged, in case of her absence as aforesaid; and in every case where there shall at any time happen to be two or more transfers by the same owner or owners of the same property in any ship or vessel entered in the book of registry as aforesaid, the collector and comptroller are hereby required to endorse upon the certificate of registry of such ship or vessel the particulars of that bill of sale or other instrument under which the person or persons claims or claim property, who shall produce the certificate of registry for that purpose within thirty days next after the entry of his said bill of sale or other instrument in the book of registry as aforesaid, or within thirty days next after the return of the said ship or vessel to the port to which she belongs, in case of her absence at the time of such entry as aforesaid; and in case no person or persons shall produce the certificate of registry within either of the said spaces of thirty days, then it shall be lawful for the collector and comptroller and they are hereby required to endorse upon the certificate of registry the particulars of the bill of sale or other instrument to such person or persons as shall first produce the certificate of registry for that purpose, it being the true intent and meaning of this Act that the several purchasers and mortgagees of such ship or vessel, share or shares thereof, when more than one appear to claim the same property, or to claim security on the same property, in the same rank and degree, shall have priority one over the other, not according to the respective times when the particulars of the bill of sale or other instrument by which such property was transferred to them were entered in the book of registry as aforesaid, but according to the time when the endorsement is made upon the certificate of registry as aforesaid: Provided always that if the certificate of registry shall be lost or mislaid,\* or shall be detained† by any person whatever, so that the endorsement cannot in due time

Nature of the  
priority intended in this  
Act.

Provision in case  
certificate be  
mislaid.

\* See § 29, as to lost certificate.

† See § 30, penalty for detaining.

be made thereon, and proof thereof shall be made by the purchaser or mortgagee, or his known agent, to the satisfaction of the commissioners of Her Majesty's Customs, it shall be lawful for the said commissioners to grant such further time as to them shall appear necessary for the recovery of the certificate of registry, or for the registry *de novo* of the said ship or vessel under the provisions of this Act;\* and thereupon the collector and comptroller shall make a memorandum in the book of registers of the further time so granted, and during such time no other bill of sale shall be entered for the transfer of the same ship or vessel, or the same share or shares thereof, or for giving the same security thereon.

XI. And be it enacted, That if the certificate of registry of such ship or vessel shall be produced to the collector and comptroller of any port where she may then be after any such bill of sale shall have been recorded at the port to which she belongs, together with such bill of sale containing a notification of such record, signed by the collector or comptroller of such port as before directed,† it shall be lawful for the collector and comptroller of such other port to endorse on such certificate of registry (being required so to do) the transfer mentioned in such bill of sale, and such collector and comptroller shall give notice thereof to the collector and comptroller of the port to which such ship or vessel belongs, who shall record the same in like manner as if they had made such endorsement themselves, but inserting the name of the port at which such endorsement was made: Provided always, that the collector and comptroller of such other port shall first give notice to the collector and comptroller of the port to which such ship or vessel belongs of such requisition made to them to endorse the certificate of registry, and the collector and comptroller of the port to which such ship or vessel belongs shall thereupon send information to the collector and comptroller of such other port whether any and what other bill or bills of sale have been recorded in the book of the registry of such ship or vessel; and the collector and comptroller of such other port having such information shall proceed in manner directed by this Act in all respects to the endorsing of the certificate of registry as they would do if such port were the port to which such vessel belonged.

XLI. And be it enacted, That if it shall become necessary to register any ship or vessel *de novo*, and any share or shares of such ship or vessel shall have been sold since she was last registered, and the transfer of such share or shares shall not have been recorded and endorsed in manner hereinbefore directed, the bill of sale thereof shall be produced to the collector and comptroller of Her Majesty's Customs, who are to make registry of such ship or vessel, otherwise such sale shall not be noticed in such registry *de novo*, except as

Bills of sale may be produced after entry at other ports than those to which vessels belong, and transfers endorsed on certificate of registry.

Previous notice to be given to officers at the port of registry.

If upon registry *de novo* any bill of sale shall not have been recorded, it shall then be produced.

\* See §§ 29, 30.

† See § 37.

hereinafter excepted :<sup>\*</sup> Provided always, that upon the future production of such bill of sale, and of the existing certificate of registry, such transfer shall and may be recorded and endorsed as well after such registry *de novo* as before.

Upon change of property registry *de novo* may be granted if desired, although not required by this Act.

XLII. And be it enacted, That if upon any change of property in any ship or vessel the owner or owners shall desire to have the same registered *de novo*, although not required by this Act, and the owner or proper number of owners shall attend at the Custom-house at the port to which such ship or vessel belongs for that purpose, it shall be lawful for the collector and comptroller of Her Majesty's Customs at such port to make registry *de novo* of such ship or vessel at the same port, and to grant a certificate thereof, the several requisites hereinbefore in this Act mentioned and directed being first duly observed and complied with.

Copies of Declarations, &c., and of extracts from books of registry, admitted in evidence.

XLIII. And whereas great inconvenience hath arisen from the registering officers being served with subpoenas, requiring them to bring with them, and produce on trials in courts of law relative to the ownery of vessels or otherwise, the oaths or declarations required to be taken by the owners thereof prior to the registering thereof, and the books of registry or copies or extracts therefrom : and whereas it would tend much to the dispatch of business if the attendance of such registering officers with the same upon such trials were dispensed with ; be it therefore enacted, That the collector and comptroller of Her Majesty's Customs at any port or place, and the person or persons acting for them respectively, shall, upon every reasonable request by any person or persons whomsoever, produce and exhibit for his, her, or their inspection and examination, any oath or declaration sworn or made by any such owner or owners, proprietor or proprietors, and also any register or entry in any book or books of registry required by this Act to be made or kept relative to any ship or vessel, and shall, upon every reasonable request by any person or persons whomsoever, permit him, her, or them, to take a copy or copies, or an extract or extracts thereof, respectively, and that the copy and copies of any such oath or declaration, register or entry, shall, upon being proved to be a true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law, without the production of the original or originals, and without the testimony or attendance of any collector or comptroller, or other person or persons acting for them respectively, in all cases as fully and to all intents and purposes as such original or originals, if produced by any collector or collectors, comptroller or comptrollers, or other person or persons acting for them, could or might legally be admitted or received in evidence.

If vessels or shares sold in the absence of

XLIV. And be it enacted, That if the ship or vessel, or the share or shares of any owner thereof who may be out of the kingdom, shall be sold in his absence by his known agent or correspondent

\* See as to vessels or shares sold in absence of owners, § 44.



under his directions, either expressed or implied, and acting for his interest in that behalf, and such agent or correspondent who shall have executed a bill of sale to the purchaser of the whole of such ship or vessel, or of any share or shares thereof, shall not have received a legal power to execute the same, it shall be lawful for the commissioners of Her Majesty's Customs, upon application made to them, and proof to their satisfaction of the fair dealings of the parties, to permit such transfer to be registered, if registry *de novo* be necessary, or to be recorded and endorsed, as the case may be, in manner directed by this Act, as if such legal power had been produced; and also, if it shall happen that any bill of sale cannot be produced, or if, by reason of distance of time or the absence or death of parties concerned, it cannot be proved that a bill of sale for any share or shares in any ship or vessel had been executed, and registry *de novo* of such ship or vessel shall have become necessary, it shall be lawful for the commissioners of Her Majesty's Customs, upon proof to their satisfaction of the fair dealings of the parties, to permit such ship or vessel to be registered *de novo*, in like manner as if a bill of sale for the transfer of such share or shares had been produced: provided always, that in any of the cases herein mentioned good and sufficient security shall be given to produce a legal power or bill of sale within a reasonable time, or to abide the future claims of the absent owner, his heirs and successors, as the case may be, and, at the future request of the party whose property has been so transferred without the production of a bill of sale from him or from his lawful attorney, such bond shall be available for the protection of his interest, in addition to any powers or rights which he may have in law or equity against the ship or vessel, or against the parties concerned, until he shall have received full indemnity for any loss or injury sustained by him.

owners, without formal powers, commissioners may permit record of such sales or registry *de novo*, as the case may require;

and also in other cases where bills of sale cannot be produced;

security being given to produce legal powers, or abide future claims.

#### MORTGAGE.

XLV. And be it enacted, That when any transfer of any ship or vessel, or of any share or shares thereof, shall be made only as a security for the payment of a debt or debts, either by way of mortgage or of assignment to a trustee or trustees for the purpose of selling the same for the payment of any debt or debts, then and in every such case the collector and comptroller of the port where the ship or vessel is registered shall, in the entry in the book of registry,\* and also in the endorsement on the certificate of registry in manner hereinbefore directed,† state and express that such transfer was made only as a security for the payment of a debt or debts, or by way of mortgage, or to that effect; and the person or persons to whom such transfer shall be made, or any other person or persons claiming under him or them as a mortgagee or mortgagees, or a trustee or trustees only, shall not by reason thereof be deemed to be the owner or owners of such ship or vessel, share or shares thereof, nor shall the

Transfer by way of mortgage.

Mortgagee not to be deemed an owner.

\* See § 37.

† See form of endorsement, § 37.

person or persons making such transfer be deemed by reason thereof to have ceased to be an owner or owners of such ship or vessel, any more than if no such transfer had been made, except so far as may be necessary for the purpose of rendering the ship or vessel, share or shares, so transferred, available, by sale or otherwise, for the payment of the debt or debts for securing the payment of which such transfer shall have been made.

Transfers of ships for security of debts being registered. Rights of mortgagee not affected by any act of bankruptcy of mortgagor, &c.

XLVI. And be it enacted, That when any transfer of any ship or vessel, or of any share or shares thereof, shall have been made as a security for the payment of any debt or debts, either by way of mortgage or of assignment as aforesaid, and such transfer shall have been duly registered according to the provisions of this Act,\* the right or interest of the mortgagee or other assignee as aforesaid, shall not be in any manner affected by any act or acts of bankruptcy committed by such mortgagor or assignor, mortgagors or assignors, after the time when such mortgage or assignment shall have been so registered as aforesaid, notwithstanding such mortgagor or assignor, mortgagors or assignors, at the time he or they shall so become bankrupt as aforesaid, shall have in his, her, or their possession, order, and disposition, and shall be the reputed owner or owners of the said ship or vessel, or the share or shares thereof so by him or them mortgaged or assigned as aforesaid, but such mortgage or assignment shall take place of and be preferred to any right, claim, or interest which may belong to the assignee or assignees of such bankrupt or bankrupts in such ship or vessel, share or shares thereof, any law or statute to the contrary thereof notwithstanding.

Governors of colonies, &c., may cause proceedings in suits to be stayed.

XLVII. And be it enacted, That it shall and may be lawful for any Governor,† Lieutenant-Governor, or Commander-in-Chief of any of Her Majesty's colonies, plantations, islands, or territories, and they are hereby respectively authorized and required, if any suit, information, libel, or other prosecution or proceeding of any nature or kind whatever shall have been commenced or shall hereafter be commenced in any court whatever in any of the said colonies, plantations, islands, or territories respectively, touching the force and effect of any register granted to any ship or vessel, upon a representation made to any such Governor, Lieutenant-Governor, or Commander-in-Chief, to cause all proceedings thereon to be stayed, if he shall see just cause so to do, until Her Majesty's pleasure shall be known and certified to him by Her Majesty, by and with the advice of Her Majesty's Privy Council; and such Governor, Lieutenant-Governor, or Commander-in-Chief, is hereby required to transmit to one of Her Majesty's principal Secretaries of State, to be laid before Her Majesty in Council, an authenticated copy of the proceedings in every such case, together with his reasons for causing the same to be stayed, and such documents (properly verified) as he may judge necessary, for the information of Her Majesty.

\* See §§ 37—39.

† See powers of Governors, § 3.

XLVIII. And be it enacted, That if any person or persons shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person or persons shall for every such offence forfeit the sum of five hundred pounds.

Penalty for making false declaration or falsifying any document.

XLIX. And be it enacted, That the person or persons registered as owner or owners of any British ship or vessel which shall have been lost or taken by the enemy, or burnt or broken up, or otherwise prevented from returning to the port to which such ship or vessel belongs, or which shall on any account have lost or forfeited the privileges of a British ship, shall, immediately upon obtaining knowledge of any of the circumstances aforesaid, give notice in writing of such circumstances to the collector or comptroller of the Customs at the port of registry of such ship or vessel.

Owners of British vessels to give notice to collectors of Customs at the port of registry of the loss, &c., of such vessels.

L. And be it enacted, That in all cases where any British-registered ship or vessel shall have been absent from the port of registry for the space of three years, the person or persons registered as the owner or owners of such ship or vessel, shall in like manner give notice in writing to the collector or comptroller of the Customs at such port, stating therein the cause of such absence, and that the said vessel has not forfeited her privileges as a British ship.

Or if vessels absent from the port of registry for three years, to state the cause.

LI. And be it enacted, That every such owner or owners failing to give such notice in either of the cases aforesaid, or making any untrue statement in respect of any such ship or vessel, shall forfeit the sum of five pounds.

Failing to give such notices, &c., to forfeit £5.

LII. And be it enacted, That all the penalties and forfeitures inflicted and incurred by this Act shall and may be sued for, prosecuted, recovered, and disposed of in such manner, and by such ways, means, and methods, as any penalties or forfeitures inflicted, or which may be incurred for any offences committed against any law relating to the Customs may now legally be sued for, prosecuted, recovered, and disposed of; and that the officer or officers concerned in seizures or prosecutions under this Act, shall be entitled to and receive the same share of the produce arising from such seizures as in the case of seizures for unlawful importation, and to such share of the produce arising from any pecuniary fine or penalty for any offence against this Act, as any officer or officers is or are now by any law or regulation entitled to upon prosecutions for pecuniary penalties.

How penalties are to be recovered;

and officers shares.

LIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

Alteration of Act.

## THE SEVENTH AND EIGHTH VICTORIA, CAP. CXII.

AN ACT TO AMEND AND CONSOLIDATE THE LAWS RELATING TO MERCHANT SEAMEN, AND FOR KEEPING A REGISTER OF SEAMEN.—[5th September, 1844.]

The Act 5 & 6 W. 4. c. 19 repealed from and after 1st Jan. 1845, except, &c.

WHEREAS the prosperity, strength, and safety of this United Kingdom and Her Majesty's dominions do greatly depend on a large, constant, and ready supply of seamen; and it is therefore expedient to promote the increase of the number of seamen, and to afford them all due encouragement and protection, and for this purpose to amend and consolidate the laws relating to them; and it is also expedient to keep a register of seamen: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of January, one thousand eight hundred and forty-five, from which day this Act shall commence and take effect, an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled "An Act to amend and consolidate the laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that service," shall be, and the same is hereby repealed, except so far as such Act repeals the Acts thereby repealed, and except so far as relates to the establishment, maintenance, and regulations of the office called "The General Register Office of Merchant Seamen:" Provided always, that all offences which shall have been committed, and all penalties and forfeitures which shall have been incurred previously to the commencement of this Act, shall and may be punishable and recoverable respectively under the above-mentioned Act, as if the same had not been repealed; provided also, that all acts and things made, done, or executed under, or by virtue of, or in accordance with, the provisions of the said Act passed in the sixth year of the reign of His late Majesty King William the Fourth, prior to the commencement of this Act, shall be good, valid, and effectual to all intents and purposes.

## AGREEMENT.

No seaman to be taken to sea without a written agreement or without a register ticket

II. And be it enacted, That it shall not be lawful for any master of any ship, of whatever tonnage or description, belonging to any subject of Her Majesty, proceeding to parts beyond the seas, or of any British-registered ship of the burden of eighty tons or upwards employed in any of the fisheries of the United Kingdom, or in pro-

ceeding coastwise or otherwise, from one part of the United Kingdom to another, to carry to sea any seaman as one of his crew or complement (apprentices \* excepted), unless the master of such ship shall have first made and entered into an agreement in writing † with such seaman, specifying what wages such seaman is to be paid, the quantity of provisions he is to receive, the capacity in which he is to act or serve, and the nature of the voyage in which the ship is to be employed, so that such seaman may have some means of judging of the period for which he is likely to be engaged ; and that such agreement shall be properly dated, and shall be signed by such master in the first instance, and by the seamen respectively at the port or place where they shall be shipped ; and that the signature of each of the parties thereto shall be duly attested by one witness at the least, and that the master shall cause the agreement to be read over and explained to every such seaman, in the presence of such witness, before such seaman shall execute the same ; and it shall not be lawful for the master of any ship to carry to sea any seaman, being a subject of Her Majesty, until he shall also have first obtained from every such seaman or other person, his register ticket (to be procured as hereinafter mentioned), ‡ which ticket the said master is hereby required to retain (except in the cases hereinafter provided), § until the service of such seaman shall have terminated, and at the termination of such service the said master shall return || the register ticket to him.

being obtained from such seaman.

Agreement to be read over and explained to seamen.

III. And be it enacted, That in the case of any ships, of whatever tonnage or description, belonging to any subject or subjects of Her Majesty, and proceeding to parts beyond the seas (except as hereinafter provided), the agreement shall be in the form set forth in schedule (A.) to this Act annexed, and shall contain the several particulars therein mentioned or required ; and the master shall, within twenty-four hours after the ship's arrival at her final port of destination in this United Kingdom, deliver, or cause to be delivered to the collector or comptroller of the Customs at and for such port every agreement¶ so made as aforesaid, or a true copy thereof, and of every endorsement thereon, the agreement, or copy thereof, in either case, to be certified\*\* as such by such master or owner, and also by the mate or next officer (if any) of such ship or vessel, each of whom is hereby required to sign such certificate in the presence of one attesting witness at the least ; and if the original agreement be delivered†† to such collector or comptroller he shall retain the same until all the wages to which the agreement relates shall be paid or satisfied, and

Regulations respecting form of agreements, and how to be disposed of.

\* Register of apprentices, see § 20.

† See Schedules A and B.

‡ See § 20, also Schedule F.

§ See §§ 6, 17, 50.

|| Penalty for not returning, see § 4.

¶ Agreement to be produced to British Consul in Foreign ports, see § 53.

\*\* See Schedules A. B. C. D. †† Penalty on refusal, &c. see §§ 29, 56.

No ship to be cleared inwards until receipt for agreement is produced.

Agreements in form of schedule (B.) not to extend beyond 30th June and 31st December.

Owner or master to deliver such agreements or copies thereof half-yearly.

Vessel not to receive transire, &c. until receipt for such agreements be produced.

Masters of vessels under eighty tons in coasting or fishing trade to receive tickets from seamen.

then he shall transmit such original agreement to the registrar of seamen;\* and no such ship shall be cleared inwards by the tide surveyor or other officer until the master shall produce and show a certificate from such collector or comptroller (which he is hereby required to give) to the effect that he has delivered his agreement, or an attested copy thereof, as aforesaid; and the tide-waiters left on board shall be maintained at the expence of the master or owner until such certificate shall be produced and shown, or until it shall be proved to the satisfaction of the tide surveyor or other officer that such agreement or agreements, or such copy thereof, has or have been so delivered as aforesaid; and in the case of any ship employed in fishing on the coasts of the United Kingdom, or proceeding from one part of the United Kingdom to another, or proceeding to any of the Islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any place on the Continent of Europe between the river Elbe inclusive and Brest, the agreement shall be in the form set forth in Schedule (B.) to this Act annexed, and shall contain the several particulars therein mentioned or required; and every such agreement shall not extend beyond the thirtieth of June and the thirty-first of December in each year, or on arrival in any port of the United Kingdom after the same respective dates; and the owner or master of every such ship as last aforesaid shall, within twenty-one days next after the thirtieth day of June and the thirty-first day of December in each year, transmit or deliver, or cause to be transmitted or delivered, to the collector or comptroller of the Customs of any port of the United Kingdom, every agreement made within the six months next preceding such thirtieth day of June and thirty-first day of December respectively, or a true copy thereof, and of every endorsement thereon, certified as aforesaid; and such collectors and comptrollers respectively shall and are hereby required to give a receipt (specifying the nature of the document) for every agreement or other document, or such copy thereof, to the master, owner, or person so delivering the same; and no master or owner, after the expiration of the said twenty-one days, shall be entitled to or receive a transire, or any other Customs document necessary for the conduct of the business of the ship, until he shall produce and show such receipt, or shall prove to the satisfaction of the officer that every such agreement, or such copy thereof as aforesaid, has been duly delivered as aforesaid; and the owner or master of every ship under the burden of eighty tons, employed as last aforesaid, who is not required by this Act to enter into any written agreement with his crew, shall, before employing any seaman or other person in the service of his ship, receive from every such seaman or other person his register ticket, and shall retain the same until the service of such seaman or other person shall have expired, and at the expiration of such

\* See § 29.

service the master shall return the register ticket to the person entitled thereto.

#### PENALTIES.

IV. And be it enacted, That if any master or owner shall carry out to sea any seaman (apprentices excepted) without having first entered into the required agreement with such seaman, or if any master shall not obtain from any seaman or other person, being a subject of Her Majesty, his register ticket, according to the provisions of this Act, he shall in either and every of such cases forfeit and pay the sum of ten pounds for and in respect of every such seaman; and if any master or owner shall neglect to cause such agreement to be read over and explained to such seaman before the signing or execution thereof by such seaman, the said master or owner shall for each neglect forfeit and pay the sum of five pounds for every such seaman; and if any master or owner shall neglect or omit to deliver or cause to be delivered to such collector or comptroller any such agreement, or such copy thereof as aforesaid, or shall not deliver up any register ticket to the person entitled to it at the expiration of his service, or otherwise, as required by this Act, he shall for every such neglect, omission, or offence, forfeit and pay the sum of ten pounds, or if any master or owner shall deliver or cause to be delivered a false copy of the agreement he shall for every such offence forfeit and pay the sum of twenty pounds.

Penalty for default.

Neglect to enter into agreement and receive tickets.

Refusal to deliver to comptroller of Customs.

Refusal to return register ticket to owner.

#### REMEDIES OF SEAMEN.

V. And be it enacted, That no seaman, by reason of any agreement, shall forfeit his lien upon the ship, nor be deprived of any remedy for the recovery of his wages\* to which he would otherwise be entitled against any person or persons whatever; and no agreement contrary to or inconsistent with this Act, nor any clause, contract, or engagement, whereby any seaman† shall consent or promise to forego or give up any right or claim to wages in the case of freight earned by a ship subsequently lost, or any right or claim to salvage or reward for salvage services, or such proportion of salvage or reward for salvage services as shall or may be due to him by decree or award, or otherwise, shall be valid or binding on such seaman; and every copy of an agreement so certified‡ and delivered as aforesaid shall in all cases be received and taken as evidence of the contents of the agreement for and on behalf of the seaman; and no seaman shall in any case be required to produce such agreement, or such copy as aforesaid, or to give notice for the production thereof; but in case the agreement shall not be produced and proved he shall be at liberty to prove the contents or purport

Seamen not to be deprived of legal remedies.

No agreement contrary to the Act, or to forego salvage, to be valid; and certified copy of agreement to be evidence.

Seamen not bound to produce agreement.

\* See §§ 11—15, also § 17.

† Master same remedies for wages as seamen, see § 16.

‡ See § 3.

thereof, or to establish his claim by other evidence, according to the nature of the case.

#### SEAMEN REFUSING TO JOIN.

Seamen refusing to join, or to proceed in the ship, or absenting themselves therefrom, may be committed to gaol, or be sent on board.

VI. And be it enacted, That in case a seaman, whether before the commencement or during the progress of any voyage, shall at any time neglect or refuse to join the ship on board of which he shall have engaged to serve, or shall refuse to proceed to sea in such ship, or shall absent himself therefrom without leave, or shall desert,\* it shall be lawful for any justice of the peace in and for any of Her Majesty's dominions,† or the territories under the government of the East India Company, where or near to the place where such ship shall happen to be, or where such seaman shall be found, and such justice is hereby required, upon complaint made upon oath by the master, mate, or owner, or his agent, to issue his warrant, and cause such seaman to be apprehended, and brought before him; and in case such seaman shall not give a reason to the satisfaction of such justice for his neglect, refusal, or absence, as the case may be, or in case of desertion, it shall be lawful for any such justice, upon due proof of such neglect, refusal, absence, or desertion, to commit such seaman to prison or to the house of correction, there to be imprisoned, with or without hard labour, at the discretion of such justice, for a period not exceeding thirty days; or it shall be lawful for the said justice, if he shall so think fit, at the request of the master, mate, or owner, or his agent, instead of committing such seaman, to cause him to be conveyed on board the said ship, or to be delivered to the master, mate, or owner, or his agent, for the purpose of being so conveyed and proceeding on the voyage, and also to award to the master or owner such costs incurred in the apprehension of the seaman as to such justice shall seem reasonable, not exceeding in any case the sum of forty shillings, which shall be chargeable against and may be deducted from the wages of such seaman; and whenever any seaman shall be committed to prison or to any house of correction, the justice shall cause his register ticket to be delivered to the governor or keeper of such prison or house of correction, who shall retain the same during the period of the seaman's imprisonment, and at the expiration of such period shall return the register ticket to the seaman; and whenever a seaman shall be sentenced to death or transportation, the officer having the custody of such seaman shall transmit his register ticket to the Registrar of Seamen.

When seaman committed to prison his ticket to be delivered to gaoler.

#### ABSENCE AND REFUSAL TO DO DUTY.

VII. And be it enacted, That if any seaman during the time or

Forfeiture for temporary absence from or refusal to perform his duty.

\* See §§ 9, 50.

† All places and seas eastward of the Cape of Good Hope to the Straits of Magellan, see 3 & 4 Vic. cap. 56 § 9.



period specified for his service shall wilfully and without leave absent himself from the ship, or otherwise from his duty, he shall (in all cases not of desertion, or not treated as such by the master,) forfeit\* out of his wages the amount of two days' pay, and for every twenty-four hours of such absence the amount of six days' pay, or, at the option of the master, the amount of such expenses as shall have been necessarily incurred in hiring a substitute; and in case any seaman while he shall belong to the ship, shall without sufficient cause neglect or refuse to perform such his duty as shall be reasonably required of him by the master or other person in command of the ship, he shall be subject to a like forfeiture in respect of every such offence, and of every twenty-four hours' continuance thereof; and in case any such seaman, after the ship's arrival at her port of delivery, and before her cargo shall be discharged, shall quit the ship, without a previous discharge or leave from the master, he shall forfeit one month's pay out of his wages: provided always, that no such forfeiture shall be incurred unless the fact of the seaman's absence, neglect, or refusal, shall be duly entered in the ship's log book, the truth of which entry it shall be incumbent on the owner or master, in all cases of dispute, to substantiate by the evidence of the mate or some other credible witness. Proviso.

VIII. And be it enacted, That in all cases where the seaman shall have contracted for wages by the voyage, or by the run, or by the share, and not by the month or other stated period of time, the amount of forfeitures to be incurred by seamen under this Act shall be ascertained in manner following: (that is to say,) if the whole time spent in the voyage agreed upon shall exceed one calendar month, the forfeiture of one month's pay expressed in this Act shall be accounted and taken to be a forfeiture of a sum of money bearing the same proportion to the whole wages or share as a calendar month shall bear to the whole time spent in the voyage; and in like manner a forfeiture of six days pay, or less, shall be accounted and taken to be a forfeiture of a sum bearing the same proportion to the whole wages or share as the six days or other period shall bear to the whole time spent in the voyage; and if the whole time spent in the voyage shall not exceed the period for which the pay is to be forfeited the forfeiture shall be accounted and taken to be a forfeiture of the whole wages or share; and the master or owner is hereby authorised to deduct the amount of all forfeitures out of the wages or share of any seaman incurring the same. How amount of forfeiture is to be ascertained when seamen contract for the voyage.

#### DESERTION.

IX. And be it enacted, That any seaman or other person who shall desert† the ship to which he shall belong shall forfeit to the owner thereof all his clothes and effects which he may leave on board, and Forfeiture for desertion.

\* See § 8.

† See § 6.

he shall also forfeit all wages and emoluments to which he might otherwise be entitled ; and in case of any seaman deserting abroad he shall likewise forfeit all wages and emoluments whatever which shall be or become due or be agreed to be paid to him from or by the owner or master of any other ship in the service whereof such seaman may have engaged for the voyage back to the United Kingdom ; and that all wages and portions of wages and emoluments which shall in any case whatever become forfeited for desertion shall be applied, in the first instance, in or towards the reimbursement of the expenses occasioned by such desertion to the owner or master of the ship from which the seaman shall have deserted, and the remainder shall be paid to the Seaman's Hospital Society ; and the master shall, in case of desertion in the United Kingdom, deliver up the register ticket of such seaman or other person to the collector or comptroller of the Customs at the port ; Provided always, that every desertion be entered in the log book at the time, and certified by the signatures of the master and the mate, or the master and one other credible witness ; and that the absence of a seaman from his ship for any time within twenty-four hours immediately preceding the sailing of the ship from any port, whether before the commencement or during the progress of any voyage, wilfully and knowingly, without permission, or the wilful absence of a seaman from his ship at or for any time without permission, and under circumstances showing an intention to abandon the same, and not return thereto, shall be deemed a desertion\* of and from the same ship ; and in case any seaman shall desert in parts beyond the seas, and the master of the ship shall engage a substitute at a higher rate of wages than that stipulated in the agreement to be paid to the seaman so deserting, the owner or master of the ship shall be entitled to recover from the deserter, by summary proceeding, in the same manner as penalties are by this Act made recoverable (so far as the same can be applied), any excess of wages or portion thereof which such owner or master shall pay to such substitute beyond the amount which would have been payable to the deserter in case he had duly performed his service pursuant to his agreement : Provided always, that no seaman shall be imprisoned longer than three calendar months for non-payment of any such excess of wages.

#### HARBOURING DESERTERS.

Penalty for  
harbouring  
deserters.

X. And be it enacted, That if any person shall wilfully harbour or secrete any seaman or apprentice who shall have deserted from his ship, knowing or having reason to believe such seaman or apprentice to be a deserter, every person so offending shall for every such seaman or apprentice so harboured or secreted forfeit and pay the sum of ten

\* Leaving ship to enter the navy not desertion, see § 50.

pounds ; and no debt exceeding in amount five shillings, incurred by any seaman after he shall have engaged to serve, shall be recoverable until the service agreed for shall have been concluded ; nor shall it be lawful for any keeper of a public house, or of a lodging house for seamen, to detain any chest, tools, or other property of any seaman for any debt alleged to have been contracted by him ; and in case of such detention of the chest, tools, or other property of a seaman, it shall be lawful for any justice of the peace at or near the place, upon complaint upon oath to be made by such seaman or on his behalf, to inquire into the matter upon oath in a summary way ; and if it shall appear to such Justice that the alleged claim is fraudulent, or that the debt was not fairly incurred to the full amount of the claim, by warrant under his hand and seal to cause such effects to be seized and delivered over to such seaman ; and the person so detaining the same shall forfeit and pay a sum not exceeding ten pounds, at the discretion of such Justice.

No debt exceeding 5s. recoverable from a seaman till voyage is ended.

Seaman's effects not to be detained under pretence of debt.

Penalty.

#### WAGES.

XI. And be it enacted, That the master or owner of every ship shall and is hereby required to pay to every seaman his wages within the respective periods following ; (that is to say) if the ship shall be employed in coasting, the wages shall be paid within two\* days after the termination of the agreement, or at the time when any such seaman shall be discharged, whichever shall first happen ; and if the ship shall be employed otherwise than coasting, then the wages shall be paid at the latest within three days after the cargo shall have been delivered, or within seven days after the seaman's discharge, whichever shall first happen ; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account, a sum equal to one fourth part of the balance due to him ; and in case the master or owner shall neglect or refuse to make payment in manner aforesaid, he shall for every such neglect or refusal forfeit and pay to the seaman the amount of two days pay (to be recovered as wages) for each day, not exceeding ten days, during which payment shall, without sufficient cause, be delayed beyond the respective periods aforesaid : Provided always, that nothing in this clause contained shall extend to the cases of ships employed in the southern whale fishery, or on voyages for which seamen, by the terms of their agreement, are wholly compensated by shares in the profits of the adventure.

The period within which wages are to be paid.

XII. And be it enacted and declared, That every such payment of wages to a seaman shall be valid and effectual in law, notwithstanding any bill of sale or assignment which may have been made of such wages, or of any attachment or incumbrance thereon, and that no assignment or sale of wages or salvage made prior to the accruing thereof, nor any power of attorney expressed to be irrevocable for the

Payment of wages or salvage to be deemed valid, notwithstanding bill of sale, &c.

\* See §§ 5, 16.

receipt of any such wages or salvage, shall be valid or binding upon the party making the same, and any attachment to be issued from any court whatever shall not prevent the payment of wages to any seaman; and if during the voyage the allowance of provisions which a seaman agreed to receive shall be reduced one-third of the quantity or less he shall receive fourpence per day, and if the reduction be more than one-third he shall receive eightpence per day, during the period such respective deductions may be made, and such pecuniary allowance shall be paid to him in addition to and be recoverable as wages.

Allowance for short provisions.

Masters to give seamen their certificates on their discharge.

XIII. And be it enacted, That upon the discharge of a seaman from any ship, or upon payment of the wages to him, he shall receive from the master, and the master is hereby required to give to him, not only his register ticket, but also a certificate of such seaman's service and discharge, in the form set forth in schedule (E.) to this Act annexed, specifying the period of his service, and the time and place of his discharge, which certificate shall be signed by the master, and if the master shall not give such certificate to such seaman he shall forfeit and pay to him the sum of five pounds.

Penalty for default.

For obtaining immediate payment of wages in certain cases.

XIV. And be it enacted, That if three days after the termination of the stipulated service, or if three days after a seaman shall have been discharged, he shall be desirous of proceeding on another voyage, and in order thereto, or for any other sufficient reason, shall require immediate payment of any amount of wages,\* not exceeding twenty pounds, due to him, it shall be lawful for any Justice of the Peace, in and for any part of Her Majesty's dominions or the territories under the government of the East India Company, where or near to the port or place where such service shall have terminated, or such seaman shall have been discharged, or the party or parties liable shall be or reside, on application from such seaman, and on satisfactory proof that he would be prevented from employment or incur serious loss or inconvenience by delay, to summon such party or parties before him, and if it shall appear to the satisfaction of such Justice that there is no reasonable cause for delay, to order payment to be made forthwith, and in default of immediate compliance with such order such party or parties shall forfeit and pay to such seaman, in addition to his wages, the sum of five pounds.

Summary mode of recovering wages.

XV. And be it enacted, That in all cases of wages, not exceeding twenty pounds, which shall be due and payable to any seaman, it shall be lawful for any Justice of the Peace in and for any part of Her Majesty's dominions, or the territories under the government of the East India Company, where or near to the place where the ship shall have ended her voyage, cleared at the Custom House, or discharged her cargo, or where or near to the place where the party, or either of the parties, upon whom the claim is made shall

\* See §§ 5, 17.

be or reside, upon complaint on oath made to such Justice by such seaman, or on his behalf, to summon such party or parties to appear before him to answer such complaint; and upon the appearance of such party or parties, or in default thereof, on due proof of him or them having been so summoned, such Justice is hereby empowered to examine the parties and their respective witnesses (if there be any), upon oath, touching the complaint, and the amount of wages due, and to inspect any agreement, or copy thereof, if produced, and make such order for payment of the said wages, not exceeding twenty pounds, with the costs incurred by the seaman in prosecuting such claim, as shall to the Justice appear reasonable and just; and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such Justice to issue his warrant to levy the amount of the wages awarded to be due, by distress and sale of the goods and chattels of the party on whom such order for payment shall be made, rendering to such party the overplus (if any shall remain, of the produce of the sale), after deducting thereout all the costs, charges, and expenses incurred by the seaman in the making and prosecuting of the complaint, as well as the costs and charges of the distress and levy; or to cause the amount of the said wages, costs, charges, and expences to be levied on the ship in respect of the service on board which the wages are claimed, or on the tackle and apparel thereof; and if such ship shall not be within the jurisdiction of such Justice, or such levy cannot be made, or shall prove insufficient, then he is hereby empowered to cause the party upon whom the order shall be made to be apprehended, and committed to the common gaol of the district or county, there to remain without bail until payment shall be made of the amount of the wages so awarded, and of all costs and expences attending the recovery thereof; and the award and decision of such Justice as aforesaid, shall be final and conclusive.

XVI. And be it enacted, That all the rights, liens, privileges, and remedies (save such remedies as are against a master himself,) which by this Act, or by any law, statute, custom, or usage, belong to any seaman or mariner, not being a master mariner, in respect to the recovery of his wages, shall, in the case of the bankruptcy or insolvency of the owner of the ship, also belong and be extended to masters of ships, or master mariners, in respect to the recovery of wages due to them from the owner of any ship, belonging to any of Her Majesty's subjects; and that no suit or proceeding for the recovery of wages shall, unless they exceed twenty pounds, be instituted against the ship, or the master or owner thereof, either in any court of Admiralty or Vice Admiralty Court, or any Court of Record in Her Majesty's dominions, or the territories under the government of the East India Company, unless the owner of the

Masters to have same remedies for wages as a seaman.

As to suits for recovery of wages.

ship shall be bankrupt or insolvent, or the ship shall be under arrest, or sold by the authority of any Admiralty or Vice Admiralty Court, or unless any magistrate, acting under the authority of this Act, shall refer the case to be adjudged by any such Court or Courts, or unless neither the owner nor master shall be or reside at or near the port or place where the service shall have terminated, or where any seaman shall have been discharged or put on shore.

When ship is sold at Foreign port, the crew to be sent home at the expence of the master or owner, and ticket and certificate of discharge to be given.

XVII. And be it enacted, That whenever any ship whatever, belonging to any subject of Her Majesty, shall be sold, transferred, or disposed of at any port out of Her Majesty's dominions, in all such cases (unless the crew, in the presence of the British Consul or Vice Consul, or in case of there not being any such Consul or Vice Consul, then in the presence of one or more British resident merchants, not interested in the said ship, shall signify their consent in writing, to complete the voyage if continued), or whenever the service of any seaman shall terminate at any place out of Her Majesty's dominions, the master shall, and he is hereby required to, give to each of the crew, and to each of the seamen whose service shall terminate as last aforesaid, a certificate of discharge, in the said form set forth in schedule (E.), and also his register ticket, and, besides paying the wages to which they shall respectively be entitled, either to provide them with adequate employment on board some other British vessel homeward bound, or to furnish the means of sending them back to the port in Her Majesty's dominions at which they were originally shipped, or to such other port in the United Kingdom as shall be agreed upon between him and them respectively, or to provide them with a passage home,\* or to deposit with the Consul or Vice Consul, merchant, or merchants, as aforesaid, such a sum of money as shall be by them deemed sufficient to defray the expences of the subsistence and passage of such seamen; and if the master shall refuse or neglect so to do, such expences, when defrayed by such Consul or Vice Consul, or any other person on behalf of the seamen, shall be a charge upon the owner of such ship, except in cases of barratry, and may be recovered against such owner as so much money paid to his use, together with full costs, at the suit of the Consul or other person defraying such expences, or as a debt due to Her Majesty, in case the same shall have been allowed to the Consul out of the public monies, and if defrayed by the seaman, shall be recoverable as wages due to him; and in all cases of wreck or loss of the ship, every surviving seaman shall be entitled to his wages up to the period of the wreck or loss of the ship, whether such ship shall or shall not have previously earned freight; provided the seaman shall produce a certificate from the master or chief surviving officer of the ship, to the effect that he had exerted himself to the utmost to save the ship, cargo, and stores.

Wages to be paid in case of wreck.

\* As to seamen left abroad, see §§ 46, 47.

## MEDICINES AND SURGEONS.

XVIII. And be it enacted, That every ship navigating between the United Kingdom and any place out of the same, shall have and keep constantly on board, a sufficient supply of medicines and medicaments suitable to accidents and diseases arising on sea voyages, in accordance with the scale which shall from time to time or at any time be issued by the Lord High Admiral, or by the Commissioners for executing the office of Lord High Admiral, and published in the *London Gazette*; and every ship (except those bound to European ports or to ports in the Mediterranean Sea) shall also have on board a sufficient quantity of lime or lemon juice, sugar, and vinegar, the lime or lemon juice, sugar, and vinegar to be served out to the crew whenever they shall have been consuming salt provisions for ten days; the lime or lemon juice and sugar daily, after the rate of half an ounce each per day, and the vinegar weekly, at the rate of half a pint per week to each person, so long as the consumption of salt provisions be continued; and in case any default shall be made in providing and keeping such medicines, medicaments, and lime or lemon juice, sugar, and vinegar, the owner of the ship shall incur a penalty of twenty pounds for each and every default; and in case of default of serving out such lime or lemon juice, sugar, or vinegar, as aforesaid, the master shall incur a penalty of five pounds for each and every default; and in case the master or any seaman shall receive any hurt or injury in the service of the ship, the expense of providing the necessary surgical and medical advice, with attendance and medicines, and for his subsistence until he shall have been cured, or shall have been brought back to some port of the United Kingdom, shall, together with the costs of his conveyance to the United Kingdom, be defrayed by the said owner of the ship without any deduction whatever on that account from the wages of such master or seaman; and, if paid by any officer or other person on behalf of Her Majesty, the amount, with full costs of suit, shall be recovered as a debt due to Her Majesty; and every ship having one hundred persons or upwards on board, and every ship the voyage of which shall be deemed under the provisions of the Act passed in the sixth year of the reign of Her present Majesty, intituled "An Act for regulating the carriage of passengers in merchant vessels," to exceed twelve weeks, having fifty persons or upwards on board, shall have on board, as one of her complement, some person duly authorized by law to practise in this kingdom as a physician, surgeon, or apothecary; and in case of every default the owner shall incur a penalty not exceeding one hundred pounds.

A supply of medicines, lime juice, sugar, and vinegar, &c. to be kept on board, and seamen hurt in the service of the ship to be provided with advice, &c. gratis.

What ships to carry surgeons.

## GENERAL REGISTER AND RECORD OFFICE OF SEAMEN.

XIX. And whereas, in and by the said Act passed in the sixth year of the reign of his late Majesty King William the Fourth, it was pro-

Maintenance of a general regi-

ter and record  
office of seamen.

vided, that as soon as conveniently might be after the passing of that Act there should be established in the port of London an office to be called "The General Register Office of Merchant Seamen," which should consist of a registrar and such assistants and clerks, with such salaries and allowances, as should be fixed and regulated from time to time by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral of the United Kingdom for the time being; and that such office should be kept at the Custom House of the said port, and daily attendance be given thereat during the usual hours of business there; and that the said registrar, his assistants and clerks, should be under the control and directions of the said Lord High Admiral or the Commissioners for executing the office aforesaid for the time being: And whereas such office was established under and in pursuance of the said Act, and it is expedient to maintain and continue the same under the title of "The General Register and Record Office of Seamen;" be it therefore enacted, That such office, salaries, and allowances, with every thing appertaining to the said office, shall be maintained and continued in manner and form, and subject to such regulations, directions, and control, as the said Lord High Admiral or the Commissioners for executing the office of Lord High Admiral for the time being have directed or shall direct; and the said Lord High Admiral or the Commissioners for executing the office of Lord High Admiral for the time being shall have power to fix and regulate such fees as he or they may deem proper to be paid by the applicants for the inspection and copies of documents in the said office.

#### REGISTER TICKETS.

Register tickets  
to be procured.

XX. And be it enacted, That every person, being a subject of Her Majesty, intending to serve on board any ship subject to the provisions of this Act (except as master or physician, surgeon, or apothecary), shall and he is hereby required to provide himself with a register ticket, and for that purpose to apply personally at the General Register and Record Office of Seamen in London, or at the Custom Houses of the several outports of the United Kingdom; and every applicant is hereby required to answer truly, to the best of his ability, all the questions set forth in schedule (F.) to this Act annexed, before he shall be entitled to receive his register ticket; and no person shall serve in any capacity on board any ship subject to any of the provisions of this Act (except the master, physician, surgeon, or apothecary) who is not possessed of such register ticket; and the masters of all apprentices who shall be bound after the commencement of this Act, or whose apprenticeship shall be in force when this Act takes effect, shall, before commencing a voyage, bring all indentures and assignments of apprenticeships, together with the apprentices them-

Masters to bring  
indentures and  
apprentices to  
the registrar to  
obtain tickets.



selves, to the registrar of seamen in London, or to the Custom House of the nearest port, in order that each of such apprentices may be furnished with a register ticket, which ticket shall be annexed and be kept annexed to the original indenture retained by the master, and shall be delivered up to the apprentice by the master at the expiration of the apprenticeship; and the registrar of seamen and the collectors and comptrollers of Customs respectively are hereby required to grant such tickets to all seamen and other persons requiring the same, and duly complying with the provisions aforesaid.

#### PENALTY FOR ALTERING.

XXI. And be it enacted, That if any person shall alter or destroy a register ticket, or counterfeit, transfer, or traffic in, for gain or otherwise, or attempt to counterfeit, transfer, or traffic in, for gain or otherwise, any register ticket issued or purporting to be issued pursuant to the provisions of this Act, he shall for every such offence be guilty of a misdemeanor; and any person becoming possessed of a register ticket, other than that legally issued to him, shall forthwith transmit the same to the registrar of seamen, and in case of default he shall for every such offence forfeit and pay a sum of twenty pounds.

Altering, &c. a register ticket, misdemeanor.

Penalty of £20. if ticket be not transmitted.

#### LOST TICKETS.

XXII. And be it enacted, that if any seaman shall lose his register ticket he shall forthwith appear in person, and represent his case to the registrar of seamen in London, or the collector or comptroller of Customs at any of the outports; and he shall truly answer all reasonable questions put to him by the said registrar or officer of Customs; and if it appear that no fraud has been committed, and the loss was unavoidable, he shall be furnished with another register ticket; but if it appear that the seaman did not take due and reasonable care of his former ticket, or if he shall not give a satisfactory account of the same, he shall be liable to a penalty of not exceeding ten shillings and not less than two shillings, and shall not be entitled to any other ticket until such penalty shall be paid; and every person who shall apply for any ticket, and shall give a false answer to any reasonable question which may be put to him by the registrar of seamen, or his assistant, or by the collector or comptroller of Customs, with reference to the granting such ticket, shall be guilty of a misdemeanor.

When register ticket is lost.

Penalty.

False answer a misdemeanor.

#### PARTIES DEAD.

XXIII. And be it enacted, That all District Registrars of Births, Deaths, and Marriages shall and they are hereby required to demand from the person registering the death of any seaman the register ticket of such seaman, and, if delivered to any such registrar, he shall forth-

Register tickets of parties dead.

with forward the same to the registrar of seamen ; and no person, other than the said registrar of seamen, shall retain the ticket of a deceased seaman ; and if any person shall retain any such ticket for more than twenty days after the death of any such seaman, or ten days after the arrival of the ship in the United Kingdom should the seaman die abroad, he shall be liable to a penalty of not exceeding five pounds in respect of every such register ticket so detained.

#### CANCELLED TICKETS.

List of cancelled tickets to be prepared by registrar, and published half-yearly, and copies given thereof on application.

Penalty for using cancelled ticket, &c.

XXIV. And be it enacted, That a list shall be prepared from time to time by the registrar of seamen, setting forth the numbers of all the register tickets that have been cancelled by reason of the death of seamen or otherwise within the preceding six calendar months ; and such lists shall be published half-yearly in the *London Gazette*, and shall also be transmitted by the said registrar from time to time to the collectors and comptrollers of Customs, to be by them conspicuously exhibited in the Custom-houses and other stations of their respective ports, and copies of such lists shall be delivered to any master or owner on application ; and every master or owner entering into an agreement with any seaman producing such cancelled ticket shall be liable to and incur a penalty of not exceeding five pounds ; and every seaman tendering or delivering to a master a cancelled ticket, or any other ticket not legally issued to him, or falsely representing himself to be a foreigner, shall forfeit to the owner all wages which shall become due to him during the service, for which he shall agree or shall have agreed.

#### RECORD TO BE KEPT.

Papers and documents to be recorded.

Certified copies to be evidence.

XXV. And be it enacted, That duplicates of all register tickets, and all papers and documents delivered or transmitted to and retained by the said registrar, shall be by him recorded, preserved, and kept ; and every copy of such duplicate tickets, papers, and documents, or any of them, certified by the said registrar or his assistant to be a true copy, shall be admitted in evidence as fully as the original thereof ; and every copy of a document and endorsement thereon, which may be delivered by any owner or master under the provisions of this Act, shall and may be admitted in evidence against such owner and master, and each of them, as fully as the original of such document and endorsement.

#### LISTS OF CREWS.

Masters of ships trading abroad to deliver lists of their crews on

XXVI. And be it enacted, That the master of every ship belonging to any subject of Her Majesty, and bound to parts beyond the seas, except in the cases hereinafter mentioned, shall, before he leaves his first port of departure from the United Kingdom, transmit or deliver,

or cause to be transmitted or delivered, to the collector and comptroller of Customs at such port, a list, signed by himself, of the names of his crew, (including apprentices), with the numbers of their register tickets, and the capacity in which they are serving on board, in the form set forth in schedule (G.) to this Act annexed; and if any subsequent change in his crew take place before finally leaving the United Kingdom, the owner or master shall, upon such change taking place, apprise the collector and comptroller of the Customs at the port where it occurs, by transmitting an amended list in the same form; and the master or owner of every such ship shall, within forty eight hours after the arrival of such ship at her final port of destination in the United Kingdom, transmit or deliver, or cause to be transmitted or delivered, to the collector or comptroller of the Customs at such port, an account or list, signed by himself, of all the seamen and others (including apprentices) who shall have belonged to the ship at any time during her absence from the United Kingdom; which account or list shall contain a full, true, and correct return under their respective heads of the several particulars expressed in the forms set forth in the schedule annexed to this Act, and marked (C.), with Christian names and surnames of the master and all the crew at full length, and with the dates of the registry of the indentures of the apprentices, and the assignments respectively, and the port at which and the time when they were respectively registered, and also the numbers of the register tickets of every apprentice and seaman; and no vessel shall be cleared inwards by the tide surveyor or other officer until the master or owner shall produce a certificate from the collector or comptroller (which he is hereby required to give) to the effect that he has rendered such accounts or lists as aforesaid; and the tide waiters or other officers left on board shall be maintained at the expence of the master or owner until such accounts or lists shall be duly delivered as aforesaid.

their departure  
and return.

Vessels not to  
be cleared in-  
wards until list  
be rendered.

XXVII. And be it enacted, That within twenty-one days after the thirtieth day of June and the thirty-first day of December in each year the master or owner of every ship belonging to a subject of Her Majesty, of whatever tonnage, employed in fishing on the coasts of the United Kingdom or elsewhere, other than in the South Sea, Greenland, and Newfoundland Fisheries, or in proceeding from one part of the United Kingdom to another, and every ship proceeding or making voyages to any of the islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any port on the continent of Europe, between the river Elbe inclusive and Brest, shall deliver or transmit, or cause to be delivered or transmitted, to the collector or comptroller of the Customs of any port of the United Kingdom, an account, signed by such master or owner, of any voyage or voyages in which such ship shall have been engaged during the preceding half year, ending on the respective days above mentioned, and setting forth legibly and at

Masters of ships  
in the home and  
fishing trade to  
return lists half  
yearly.

Vessels not to receive transire until lists be delivered.

Owners of vessels unemployed or not requiring Customs document, to notify same.

Penalty for default.

full length the christian and surnames of the several persons (including the master and apprentices) who shall have belonged to the ship at any time during such periods respectively ; which account shall be in the form and shall contain a true and correct return under their respective heads of the several particulars expressed in the schedule marked (D.) to this Act annexed, with the dates of the registry of the indentures of apprenticeship and assignments respectively, and the ports at which and the time when they were respectively registered, and the numbers of the register tickets of every seaman and apprentice ; and no master or owner shall be entitled to or receive a transire or other Customs document necessary to enable him to conduct the business of his ship, after the expiration of the said twenty-one days, until he shall produce and show a certificate from such collector or comptroller (which he is hereby required to give), to the effect that he has delivered such an account, and in the case of ships of all descriptions which may be unemployed for six months, or which may be employed and not require a transire or other Customs document, the master or owner shall notify the same to such collector or comptroller within such twenty-one days, and in case of every default the master or owner shall be liable to a penalty of ten pounds ; and all collectors and comptrollers of Customs of the ports to which the vessels belong shall transmit a list of all such ships, and of all ships of every description registered or licensed, or whose registers or licenses have been transferred or cancelled in their respective ports within each half year ending as aforesaid, to the said registrar at the said office, on or before the first day of February and the first day of August in each year respectively.

#### SHIPS LOST OR SOLD.

Return to be made in case of ship lost or sold abroad.

XXVIII. And be it enacted, That in case any ship belonging to any subject of Her Majesty shall be lost, sold, or transferred, an account, containing a similar return as required in the several and respective cases before mentioned, made out up to the period of such loss, sale, or transfer, shall, if practicable, be delivered or transmitted by the master or owner at the time of the loss, sale, or transfer to the collector or comptroller of the port to which the ship belongs, with all convenient speed, and in case such loss, sale, or transfer shall take place out of the United Kingdom, within twelve calendar months at furthest after the loss, sale, or transfer of the ship.

#### RETURNS TO THE REGISTRAR.

Lists, &c., to be transmitted to the registrar.

XXIX. And be it enacted, That all indentures, counterparts, assignments, lists, accounts, returns, papers, register tickets, and documents by this Act required to be delivered to the collectors or comptrollers as aforesaid shall be by them transmitted to the said registrar for the purposes of this Act at the end of every week, unless otherwise

specified in this Act ; and every owner or master who shall refuse or neglect to transmit, deliver or cause to be delivered, any list, account, register ticket, or other document, as required by this Act, shall for every such refusal or neglect forfeit and pay the sum of ten pounds.

Penalty on the owner or master for neglect.

XXX. And be it enacted, That all agreements, or copies thereof, lists, returns, register tickets, and other documents, which under the provisions of this Act are required to be transmitted or delivered to the collectors or comptrollers of Customs of the several ports in the United Kingdom, shall, in the case of pleasure yachts, be transmitted or delivered by the masters or owners of such yachts direct to the registrar of seamen, and the owners or masters thereof shall be liable to the same penalties for default as herein provided in the cases of the masters or owners of other ships failing to transmit or deliver such documents to such collectors and comptrollers.

Lists, &c. in the case of pleasure yachts to be transmitted to the registrar.

#### SEAMEN DYING ABROAD.

XXXI. And be it enacted, That whenever any seaman, being abroad, shall die elsewhere than on board a ship belonging to any subject of Her Majesty, leaving any money or effects not on board his ship, it shall be lawful for Her Majesty's consul or vice consul at or nearest to the place, and he is hereby required, to claim and take charge of all such money and effects, and to dispose of the said effects, if he shall so think fit, and after deducting all necessary and proper charges and expenses incurred in the collecting thereof, or by or on account of such seaman, to remit the balance, with a full account of such money or effects, to the president and governors of the corporation "for the relief and support of sick, maimed, and disabled seamen, and of the widows and children of such as shall be killed, slain, or drowned in the merchant service," to be by such president and governors paid over and disposed of, in the same manner and under the same regulations as are provided by an Act passed in the fifth year of his late Majesty King William the Fourth, intituled "An Act to amend an Act of the twentieth year of his Majesty King George the Second, for the relief and support of sick, maimed, and disabled seamen, and the widows and children of such as shall be killed, slain, or drowned in the merchant service ; and for other purposes," with respect to the wages of seamen dying on board merchant ships ; and in case any seaman dying abroad shall leave on board his ship any money, clothes, or other effects, or be entitled to any wages, the master of the said ship shall and he is hereby required to deposit the same, or the proceeds arising therefrom, with, and to pay such wages to, the president and governors aforesaid, to be by them disposed of in the same manner as is provided by the said Act with respect to the wages of seamen dying on board ship, and to transmit to the said president and governors at the same time a full account of such effects and wages ; and on failure the master shall forfeit a sum not

As to the disposal of the effects of any seaman dying abroad.

4 & 5 Wm. 4.  
c. 52.

exceeding fifty pounds, in addition to being accountable for such money, clothes, effects, and wages ; and in all cases of a seaman dying abroad the master shall, on his ship's return to the United Kingdom, deliver up to the said president and governors the register ticket of such deceased seaman, and the said president and governors, on the receipt thereof, shall transmit the same to the registrar of seamen.

## APPRENTICES.

Parish boys may be put out apprentices to the sea service.

XXXII. And be it enacted, That it shall be lawful for the overseers of the poor, or other persons having the authority of overseers of the poor, in and for any district, union, parish, township, or place in the United Kingdom, and they are hereby empowered, to bind by indenture, according to the form set forth in schedule (H.) to this Act annexed, and put out as an apprentice in the sea service, to any of Her Majesty's subjects, being the owner of any ship registered or licensed in any port of the United Kingdom, any boy having attained the age of twelve years, and of sufficient health and strength, who, or whose parent or parents, is or are chargeable to or maintained by any such district, union, parish, township, or place, or who shall beg for alms therein, with his consent, but not otherwise ; and until such boy shall attain the age of twenty-one years, or shall have served as apprentice seven years, or whichever shall first happen, such binding shall be effectual to all intents and purposes : Provided always, that where any such parish, township, or place, separately maintaining its own poor, shall be included in any union, or shall be under the management of a board of guardians, no such binding shall be valid unless the guardians of such union, parish, or other place respectively, shall previously have given their consent thereto, by causing their official seal to be affixed to the indenture, and the same to be signed by the presiding chairman of the board at any meeting, and the clerk or person acting as such at such meeting ; and provided also, that every such binding shall be made in the presence of any such boy, and of two Justices of the Peace, who shall execute the indenture in testimony of their being satisfied that such boy hath consented so to be bound, and attained the age, and is of sufficient health and strength, as required by this Act ; and the age of every such boy shall be truly inserted in his indenture, and the age of every such boy so inserted therein shall (in relation to the continuance of his service), be taken to be his true age, without any further proof thereof ; and any certificate of baptism of such boy which may be required shall be given and attested by the officiating minister without fee or reward : Provided always, that no apprenticeship to the sea service, whether parish or otherwise, shall be binding after the apprentice shall have attained the age of twenty-one years ; and that every indenture, together with his

No apprenticeship binding after apprentice shall have attained twenty-one.

register ticket annexed thereto, shall be given up to such apprentice on his attaining such age, or at the expiration of his apprenticeship, whichever shall first happen, by the person to whom he shall be bound at the time, under a penalty of twenty pounds, to be paid by such person on default ; but should any apprenticeship, parish or otherwise, expire during a voyage, and before the ship's arrival at her final port of destination in the United Kingdom, such apprenticeship shall, notwithstanding, continue until the return of the ship to her final port of destination in the United Kingdom ; but after one calendar month from the expiration of such apprenticeship, the apprentice shall be paid the same wages as an able-bodied seaman, or ordinary seaman of the said ship, according to his qualification.

Apprenticeships to continue until the return of the ship, and apprentice to be paid wages.

XXXIII. And be it enacted, That it shall be lawful for any master or person to whom any parish apprentice shall have been, or shall be hereafter bound to a service on shore, according to the statutes for the time being relating to such apprentices, or for the executors or administrators, or, there being none such, for the widow of any deceased master, with the concurrence of two or more Justices of the Peace in and for the county, district, or place where such boy shall have been bound apprentice, to assign such boy, with his consent, to be given in the presence of such Justices, but not otherwise, as apprentice to any such owner as aforesaid, to be employed in the sea service during the period then remaining unexpired of his apprenticeship ; and every such assignment shall be attested as next herein-after mentioned.

Parish apprentice may be turned over to the sea service.

XXXIV. And be it enacted, That in the event of the bankruptcy, insolvency, or death of the master of any such parish apprentice to the sea service, it shall be lawful for such master, or the executors or administrators of such master, or, there being none such, for the widow of such deceased master, to assign the indenture of any such apprentice for the residue of the term then unexpired therein to any other owner of any such ship : Provided always, that such assignment, if executed within the limits of the port of London, shall be attested by the said registrar, his assistant, or one of his clerks, and if executed at any other port, by the collector or comptroller of the Customs of such port.

Indentures may be assigned on the death of the master.

XXXV. And be it enacted, That such overseers, guardians, or other persons as aforesaid, shall cause the indenture of apprenticeship to be prepared and transmitted in triplicate, that is to say, two counterparts, besides the indenture, to the said registrar, if the owner of a ship to whom such apprentice is to be bound shall be or reside within the limits of the port of London, and if at any other port, to the collector or comptroller of the Customs at such port, and shall cause each such poor boy to be conducted and conveyed to such port or place by a constable, or other trustworthy

Parish officers to prepare indentures.

Constable to convey the apprentice.

Guardians or  
overseers to pro-  
vide clothing,  
&c.

person, at the expence of the district, union, parish, township, or place; and when any such boy shall be so bound, he shall be provided by the guardians of the said union or parish as aforesaid, or, in case the said parish or place shall not be included in any union, or governed by a board of guardians, by the overseers, with a sufficient outfit of sea clothing, bedding, and similar necessities, to the value of five pounds, which said amount, together with the expenses to be incurred in the binding and conveyance of the said boy, shall be charged by such guardians or overseers respectively to the account of the parish or other place by whose overseers the said boy shall be bound, and be allowed to them in their account; and the said indenture, so entered into by the overseers of any parish or other place as aforesaid, may be sued upon in the name of the overseers of the poor of the said parish or other place for the time being, by their name of office; and no action commenced for the breach of any covenant therein contained, with the consent of the vestry of such parish or place, shall abate by reason of death or any change of overseers of such parish or place pending the same, but shall be proceeded in by the overseers for the time being, who shall be entitled to charge the whole amount of the costs incurred in such action, and not recovered from the defendant therein, upon the poor-rates collected by them, though part of such costs shall have been incurred by their predecessors.

How indentures  
to be attested.

XXXVI. And be it enacted, That such indentures shall be executed in the presence of and attested by the constable or other person who shall conduct or convey such apprentice; and such indentures shall bear date respectively on the days on which they are executed; and such constable or other person shall transmit one of the said counterparts, duly executed, to the overseers, guardians, or other persons aforesaid, one to the master, and another to the said registrar.

Every ship, ex-  
cept pleasure  
yachts, to have  
apprentices  
according to  
her tonnage:

XXXVII. And be it enacted, That the master or owner of every ship belonging to any subject of Her Majesty, and of the burden of eighty tons and upwards (except pleasure yachts), shall have on board at the time of her proceeding from any port of the United Kingdom, and at all times when absent from the United Kingdom, or navigating the seas, one apprentice, or more, in the following proportion to the number of tons of his ship's admeasurement, according to the certificate of registry; (that is to say,) for every ship of eighty tons and under two hundred tons, one apprentice at the least; for every ship of two hundred tons and under four hundred tons, two apprentices at the least; for every ship of four hundred tons and under five hundred tons, three apprentices at the least; for every ship of five hundred tons and under seven hundred tons four apprentices at the least; and every ship of seven hundred tons and upwards, five apprentices at the least; all of whom, at the period of their being bound respectively, shall be subjects of Her Majesty, and above twelve

To be subjects  
of Her Majesty:



and under seventeen years of age, and be duly bound for the term of four years at the least; and if any such master or owner shall neglect to have on board his ship the number of apprentices as hereby required, together with their respective registered indentures, assignments, and register tickets, he shall for every such offence forfeit and pay the sum of ten pounds in respect of each apprentice, indenture, assignment, or register ticket so wanting or deficient.

XXXVIII. And be it enacted, That in case any indentures of apprenticeship of any description shall be cancelled, or any apprentice, parish or otherwise, shall die on shore or desert, or by reason of the vessel of the master not having made a voyage for six months shall not be reported in either of the said lists, such cancellation, death, desertion, or non-employment, shall forthwith be notified in writing by the master of the apprentice to the said registrar, if the ship on board which the apprentice was bound to serve shall belong to the port of London, or otherwise to the collector or comptroller of the port to which the said ship shall belong; and for every default the said master shall be liable to a penalty of ten pounds; and the collector or comptroller, if the notification be made to him, shall transmit the same to the said registrar within one week from the receipt thereof; and no cancelling of any indenture of apprenticeship of any description shall be valid or effectual without the mutual consent of the parties, or without the consent or in the absence of the registrar of seamen in London, or of the collector or comptroller of Customs of the port in which such cancellation shall take place, or in case of bindings by the overseers, without the additional consent of the guardians of the union or parish whose consent was given to the said binding, to be testified by a copy of a minute of the Board forwarded by the clerk to the said guardians.

XXXIX. And be it enacted, That the said registrar in London, and the collector and comptroller of the Customs at each other port, shall, in a book to be kept for that purpose, cause to be entered from time to time all such indentures and assignments of parish apprentices as aforesaid, specifying therein the dates thereof, the names and ages of the apprentices, the parishes or places from whence they are sent, the names and residences of their masters to whom they are bound or assigned, and the names, ports, and burden of the respective ships to which such masters belong, and shall make and subscribe on each indenture and assignment an endorsement, purporting that the same hath been duly registered pursuant to this Act; and such registrar, collectors, and comptrollers respectively shall require the personal attendance of every such apprentice at the time of registering his indenture or assignment thereof; and every such collector and comptroller shall also, at the end of each week, transmit a list of the indentures and assignments and cancellations so registered by him within the week, containing all the particulars aforesaid, to the said registrar.

Their age and term of apprenticeship.

Penalty for deficiency of apprentices, &c.

The cancelling of indentures, and death or desertion of apprentices to be notified.

Penalty-

Consents necessary in cancelling indentures.

Indentures and assignments of parish apprentices to be registered.

Apprentices to appear personally when indentures or assignments registered.

Indentures and assignments of other apprentices to be registered.

XL. And be it enacted, That in every case of a person (other than such parish apprentice as aforesaid) binding himself apprentice to the sea service, the indentures to be executed on such occasion shall be in duplicate, in the form set forth in schedule (I.) to this Act annexed, and a counterpart shall be delivered to the said registrar, if the master shall be or reside within the port of London, or if at any other port, to the collector or comptroller of such port; and the indentures shall be registered in a book to be kept for that purpose by the said registrar, collectors, and comptrollers respectively, in which book shall be expressed the dates of the several indentures, the names and ages of the apprentices, the names and residence of their masters, and (if known) the names, port, and burden of the several ships on board which they are respectively to serve; and such registrar, collectors, and comptrollers respectively shall require the personal appearance of every such apprentice at the time of registering his indenture, or the assignment thereof, and shall endorse and subscribe upon each indenture a certificate purporting that the same hath been duly registered pursuant to this Act; and the said collectors and comptrollers shall also at the end of each week transmit a list of the indentures and assignments registered by them within the week, containing all the particulars aforesaid, together with the said counterparts, to the said registrar, for the purposes of this Act; and that it shall be lawful for the master of such apprentice, or in case of his death his executor or administrator, with the consent of the apprentice, if of the age of seventeen years or upwards, and if under that age with the consent of his parent or guardian, to assign or transfer the indenture of any such apprentice to any other master or owner of any registered ship; and all such apprentices may, during the term for which they shall be bound, be employed in any ship of which the master for the time being of any such apprentice may be the master or owner: Provided always, that every such assignment shall be registered and endorsed by the said registrar, or by the collector or comptroller of the Customs at the port where the master shall be, or to which his ship shall belong; and the said collector or comptroller shall notify the same to the said registrar, and transmit an exact copy of the said endorsement to the said registrar.

As to assignment of indentures of apprentices.

Assignments to be registered.

Apprentices exempted from contributions.

Documents exempted from duty.

Penalty on masters neglecting to register, &c., indentures.

XLI. And be it enacted, That no apprentice bound or assigned pursuant to this Act, nor any master or owner in respect of such apprentice, shall be liable to any payment or contribution to or towards any hospital or institution; and that all agreements, attested copies, indentures, assignments, counterparts, and tickets, made, signed, or executed in compliance with or under the provisions of this Act, shall be wholly exempt from stamp duty.

XLII. And be it enacted, That if any master or owner to whom any apprentice to the sea service shall be bound or assigned shall neglect to deliver a counterpart, and cause the indenture or the assign-

ment (as the case may be) to be registered as required by this Act, so far as depends on such master or owner, within ten days after the binding or assignment, every such master or owner shall for every such neglect forfeit and pay the sum of ten pounds; and if any such master as the master of any ship shall, after the ship shall have proceeded on the voyage upon which such ship may be bound, permit any apprentice to quit his service or the service of the ship except for the purpose of entering into Her Majesty's naval service, every such master shall for every such offence forfeit and pay the sum of twenty pounds.

and for suffering apprentices to quit their service.

XLIII. And be it enacted, That any Justice of the Peace residing at or near to any port to which any ship as aforesaid, having on board thereof any apprentice, shall at any time arrive, shall have full power and authority to inquire into and examine, hear and determine all claims of apprentices upon their masters under their indentures, and all complaints of hard or ill usage exercised by their respective masters towards any such apprentices, or of misbehaviour on the part of any such apprentices, and to proceed thereupon as one or more Justice or Justices of the Peace is or are empowered by law to do in other cases between masters and apprentices; and if the master of any ship shall not send on shore, in the charge of the mate or other trustworthy person, any apprentice desirous of complaining to a Justice of the Peace, so soon as the service of the ship will permit, he shall for every such default forfeit and pay the sum of ten pounds.

Justices to determine complaints.

XLIV. And whereas by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, for consolidating and amending the statutes in England relative to offences against the person; a summary jurisdiction is provided for the punishment of persons guilty of common assaults and batteries: And whereas it is expedient that the provisions of the last-mentioned Act should extend to similar offences committed on board ships belonging to subjects of Her Majesty: be it therefore enacted, That in the case of any assault or battery committed on board any ship belonging to any subject of Her Majesty in any part of the world, it shall be lawful for any two Justices of the Peace in any part of Her Majesty's dominions, or the territories under the government of the East India Company, residing at or near any port or place at which the said ship may arrive or touch, upon complaint of the party aggrieved, to hear and determine any such complaint, and to proceed and make such adjudication thereon as by the said Act any two Justices are empowered to do in the cases of assaults and batteries in England; and the fine or forfeiture to be imposed in any such case shall be payable to the Seamen's Hospital Society: Provided always, that such complaint shall be made and prosecuted within three months after such alleged assault or battery, or within three months after the arrival of the ship at her final port of destination in the United Kingdom, or within three

Common assaults may be summarily punished by two justices.

months after the respective parties shall be within the jurisdiction of such Justices as aforesaid.

Masters entitled to receive the wages, &c., of apprentices entering into the navy.

XLV. And be it enacted, That no apprentice to the sea service shall be at liberty to enter into the naval service of Her Majesty during the period of his apprenticeship without the consent of his master ; but if, nevertheless, he shall voluntarily enter into such naval service of Her Majesty, and shall be allowed by his master to continue therein, such master, in case he shall give notice to the Secretary of the Admiralty of his consent to his apprentice remaining in Her Majesty's said service during the residue of the term of his apprenticeship, shall, upon the production of the indenture and assignment (if any), if duly registered, and having the register ticket attached, be entitled to receive to his own use any balance of wages and prize money that may become due and payable to any such apprentice until the expiration of his apprenticeship.

#### SEAMEN NOT TO BE DISCHARGED OR LEFT ABROAD.

No seaman to be discharged abroad, nor to be abandoned, or left behind, without sanction of consul, &c.

XLVI. And whereas great mischiefs have arisen from masters of merchant ships leaving seamen in foreign parts\* who have been thus reduced to distress† and thereby tempted to become pirates or otherwise misconduct themselves, and it is expedient to amend and enlarge the law in this behalf ; be it therefore enacted, That if any master of a ship belonging to any subject of Her Majesty shall discharge any person belonging to his ship or crew at any of Her Majesty's colonies or plantations, without the previous sanction in writing (to be endorsed on the agreement) of the governor or other officer holding the chief authority there, or of the secretary or other officer duly appointed by the Government there in that behalf, or in the absence of such functionaries then of the chief officer of Customs resident at or near such port or place, or shall discharge any such person at any other place abroad without the like previous sanction, to be so endorsed on the agreement by Her Majesty's minister, consul, or vice consul there, or in the absence of any such functionary then of two respectable merchants resident there, such master shall be guilty of a misdemeanor ; or if any master of any such ship shall abandon or leave behind at any such colony or plantation any person belonging to his ship or crew, on the plea or pretence of unfitness or inability to proceed upon the voyage, or of desertion or disappearance from the ship, without a previous certificate in writing (to be endorsed on the agreement) of the governor, secretary, or other officer as aforesaid, or in the absence of such functionary then of the chief officer of Customs resident at or near such port or place, certifying such unfitness, inability, desertion, or disappearance, or

\* See §§ 17, 49.

† Relief of seamen left abroad, see § 52. Relief of Lascars, Asiatic, or African seamen, see § 64.

shall abandon or leave behind any person belonging to his ship or crew at any other place abroad, on shore or at sea, upon such plea or pretence, without the like previous certificate of Her Majesty's minister, consul, or vice consul there, or in the absence of any such functionary then of two respectable merchants, if there be any such at or within a reasonable distance from the place where the ship shall then be, such master shall be guilty of a misdemeanor; or if any master of any such ship, in case any person belonging to his ship or crew shall desert from the said ship at any place abroad, shall neglect to notify the same in writing to one of such functionaries as aforesaid, if there be any such resident at or near the place, and in their absence, if it be out of Her Majesty's dominions, then to two respectable merchants, if there be such at or near the place, within twenty-four hours of such desertion, such master shall be guilty of a misdemeanor; and the said functionaries are hereby authorised and required, and the said merchants are authorised, to examine into the grounds of such proposed discharge, or into the plea or pretence of such unfitness, inability, desertion, or disappearance as aforesaid, in a summary way, upon oath (which oath they are hereby respectively authorised to administer), and to grant or refuse such sanction or certificate, according to the circumstances, and as it shall appear to them to be just.

Master leaving  
seamen guilty of  
misdemeanor.

XLVII. And be it enacted, That if the master of any ship belonging to any of Her Majesty's subjects, or the mate or other officer of such ship, shall wrongfully force on shore and leave behind, or shall otherwise wilfully and wrongfully leave behind on shore or at sea, in or out of Her Majesty's dominions, any person belonging to his ship or crew, before the completion of the voyage for which such person was engaged, or the return of the ship to the United Kingdom, such master, mate, or other officer shall be guilty of a misdemeanor; and every misdemeanor mentioned or created by this Act shall and may be prosecuted by information at the suit of Her Majesty's Attorney-General, or by indictment or other legal proceeding in any Court having criminal jurisdiction in Her Majesty's dominions at home or abroad; and the offence may be laid and charged in the said information, indictment, or other legal proceeding to have been committed in the county or place where the offender shall happen to be, who, being convicted thereof, shall be liable to fine or imprisonment, or both, as to the Court before whom he is tried shall seem meet; and every Court is hereby authorised to issue a commission or commissions for the examination of any witness or witnesses who may be absent or out of the jurisdiction of the Court; and at the trial the depositions taken under such commission or commissions, if such witness or witnesses shall be then absent, shall be received in evidence.

Forcing seamen  
on shore, &c. a  
misdemeanor.

Where misde-  
meanors may be  
prosecuted.

XLVIII. And be it enacted, That if any master shall, contrary to the provisions of this Act, discharge, abandon, or leave behind any seaman or other person belonging to the ship or crew, with or without

If any of the  
crew are left  
behind, the  
proof of sanction

or authority to be upon the master.

Seamen, when allowed to be left behind, to be paid their wages.

his consent, it shall be incumbent on such master, in any information, indictment, or other proceeding against him, to produce or prove such sanction or respective certificate as aforesaid, or prove the impracticability of obtaining such certificate.

**XLIX.** And be it enacted, That every such master who shall leave any seaman or other person as aforesaid on shore at any such colony or plantation or place abroad, under a certificate of his not being in a condition to proceed on the voyage, shall deliver to one of the said functionaries, or if there be none such, to any two respectable merchants there, or if there be but one, then to such one merchant, a just and true account of the wages due to such person, and pay the same either in money or by a bill drawn upon the owner; and if by bill, then such functionaries or merchants are respectively authorised and required, by endorsement on such bill, to certify that the same is drawn for money due on account of seamen's wages, or to that effect; and any master who shall refuse or neglect to deliver a just and true account of such wages, or to pay the amount thereof in money or by bill as aforesaid, shall for every such offence or default forfeit and pay the sum of ten pounds, and every master who shall deliver a false account of such wages shall for every such offence forfeit and pay the sum of twenty pounds.

#### AGREEMENT NOT TO PREVENT SEAMEN ENTERING THE NAVY.

Act not to extend to prevent seamen from entering into the navy.

**L.** Provided always, and be it enacted, That nothing in this Act or in any agreement contained shall prevent any seaman or person\* belonging to any ship or vessel whatever from entering or being received into the naval service of Her Majesty, nor shall any such entry be deemed a desertion from the ship or vessel, nor shall such seaman or other person thereby incur any penalty or forfeiture whatever, either of wages, clothes, or effects, or other matter or thing; and no master or owner shall insert or introduce, or permit to be inserted or introduced, into any articles or agreement, any clause, engagement, or stipulation, whereby any seaman or other person shall or may incur any forfeiture or be exposed to loss in case he shall enter into Her Majesty's naval service; and if inserted, the clause, engagement, or stipulation shall be void, and the offender shall thereby incur a penalty of twenty pounds.

Upon entry of seamen into the navy from any ships they shall be entitled to the immediate delivery up of their clothes, register tickets,

**LI.** And be it enacted, That when any seaman shall quit any such ship or vessel as aforesaid, in order to enter into Her Majesty's naval service, and shall thereupon be actually received into such service, not having previously committed any act amounting to and treated by the master as desertion, he shall be entitled, immediately upon such entry, to have his register ticket, and all his clothes and effects on board such ship or vessel delivered to him, and to receive from the

\* See § 45.

master the proportionate amount of his wages up to the period of such entry, to be paid either in money or by a bill on the owner; all which register ticket, clothes, effects, money, or bill, such master is hereby required to deliver and pay to him accordingly, under a penalty of twenty pounds for any refusal or neglect, to be recovered with full costs of suit by such seaman; but in case the master shall have no means of ascertaining the balance, he shall make out and deliver to such seaman a certificate of the period of his service, and the rate of wages he is entitled to, producing at the same time to the commanding or other officer of Her Majesty's vessel the agreement with the seaman; and every such master, upon the delivery of such register ticket, clothes, and effects, and the settlement of such wages in manner herein mentioned, shall receive from the officer in command of the vessel into which the seaman shall have entered, a certificate of such entry, endorsed on the agreement, and signed by the said officer, which such officer is hereby required to give.

and payment of any wages that may be due.

#### RELIEF OF SEAMEN LEFT ABROAD.

LII. And be it enacted, That if any person shall be discharged, or wilfully and wrongfully left behind or abandoned at any place beyond seas, in or out of Her Majesty's dominions,\* by any master, mate, or other officer, contrary to the provisions of this Act, and shall become distressed, and be relieved under the provisions of an Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, for amending and consolidating the laws relating to the pay of the royal navy, or any act hereafter to be passed for that purpose; or if any person shall, as principal or agent, engage any subject of Her Majesty to serve in any vessel belonging to any foreign power, or to the subject of any foreign state, and such last-mentioned person shall become distressed and be relieved as aforesaid, then, in addition to the wages due from such master, or owner, or person making such engagement, and the penalties to which such master may be liable, Her Majesty shall be entitled to sue such master, or the owner of the ship, or any person who shall have made such engagement as aforesaid, at the discretion of the commissioners for executing the office of Lord High Admiral of the United Kingdom, for all the charges and expenses which shall have been incurred in or for the subsistence, necessary clothing, and conveyance home, or burial (should he die abroad, or before reaching home) of any such seaman or person relieved aforesaid, as money paid to the use of such master or owner or other person, who shall have made such engagement as aforesaid, and recover the same, together with full costs of the suit, in the same manner as other debts due to Her Majesty are recoverable; and in any proceeding for that purpose, proof of the account furnished to the

Power for Her Majesty to sue for the amount advanced for the relief of seamen left abroad.

\* See § 64.

said commissioners by any such functionaries, or by such two merchants, or one merchant, according to the case, as provided by the said Act of the eleventh year of King George the Fourth, shall, together with the proof of payment by the said commissioners, or by the paymaster general, of the charges incurred on account of any such person, be sufficient evidence that such person was relieved and conveyed home, or buried at Her Majesty's expence; and the court in which any proceeding for the recovery of the said money shall be instituted is hereby authorised to issue a commission or commissions for the examination of witnesses, and the depositions taken under such commission or commissions, shall be used as evidence.

**PRODUCTION OF AGREEMENTS, INDENTURES, AND TICKETS, IN FOREIGN PORTS.**

Ship's agreement, indentures, and assignments of apprenticeship, and register tickets, on arrival at a foreign port, to be deposited with the consul, and at a colony with the officers of Customs.

Consuls to make endorsements on agreements.

Penalty on masters for neglect, &c.

LIII. And be it enacted, That if any ship belonging to a subject of Her Majesty (except packets for passengers in the course of their voyage), shall arrive at any foreign port where there shall be a British consul or vice consul, or at any port in a British colony, and remain thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver, or cause to be delivered, to such consul or vice consul at such foreign port, or to the collector or comptroller of the Customs at such port of a British colony, the agreement or agreements before mentioned, together with an account at the foot of such agreement, of all apprentices on board, setting forth their christian and surnames at full length, the dates of the registry of their indentures and assignments respectively, and the ports at which, and the time when, they were registered, and also all indentures and assignments of apprenticeships, and the register tickets of all the crew who shall be subjects of Her Majesty, the whole to be kept by such consul or vice consul, collector or comptroller, as the case may be, during the ship's stay in such port, and (excepting the register tickets of deserters, which are to be transmitted by such functionaries to the registrar of seamen,) to be returned to the master a reasonable time before his departure, with a certificate endorsed on such agreements respectively, stating when the same were respectively delivered and returned, without any fee or charge being made for the same; and in case it shall appear that the required number of apprentices are not on board, or that the required forms or existing laws have been in any respect neglected or transgressed, such consul or vice consul, collector or comptroller, shall make an endorsement to that effect on such agreement, and forthwith transmit a copy of such endorsement, with the fullest information he can collect regarding such neglect or transgression, to the said registrar; and if any master shall neglect to deliver any agreement, indenture, assignment or register ticket, or such account as aforesaid, he shall, for every such neglect or default, forfeit and pay the sum of twenty



pounds ; or if any master shall deliver any false or incorrect account, he shall, for every such offence, forfeit and pay the sum of thirty pounds.

LIV. And be it enacted, That no seaman shall be shipped at any such foreign port by any such master, except with the sanction of such consul or vice consul, to be endorsed or certified on the agreement, under a penalty of twenty pounds, to be forfeited by the master for every seaman so shipped.

No seaman to be shipped at a Foreign port without the sanction of the consul.

LV. And be it enacted, That the master of every ship belonging to any subject of Her Majesty shall and he is hereby required to produce and show the log book, muster roll of the ship, and the agreement or agreements with his crew, their register tickets, and the indentures of his apprentices, and the assignments thereof, and a list of all the passengers and persons on board, to the captain, commander, or other commissioned officer of any of Her Majesty's ships or vessels requiring the production and sight thereof ; and that it shall be lawful for any such officer in Her Majesty's naval service to muster the crew (including apprentices) of any ship belonging to any such subject, in order to be satisfied that the provisions of this Act, and every other Act by which the crews of such ships as aforesaid are regulated, and the laws relating to navigation, have been duly kept and complied with ; and if any master shall, upon being required so to do by any such officer, neglect or refuse to produce such log book, muster roll, or agreement, register tickets, indentures, and assignments, and lists of passengers and persons, or any of them, or shall obstruct any officer in the execution of his duty, in mustering the said crew, or shall produce any false log book, muster roll, or list, he shall, for every such offence, forfeit and pay the sum of twenty pounds.

Masters to produce agreement, &c., to the officers of Queen's ships.

Penalty.

LVI. And be it enacted, That for the better carrying into effect the purposes of this Act, it shall be lawful for Her Majesty's consuls and vice consuls in foreign ports, and for the said registrar and his assistant, and also for the respective chief officers of the Customs at the several ports of the United Kingdom and of the British possessions abroad, to demand from the master of every ship belonging to a subject of Her Majesty the production of the log book, muster roll of the ship, and such agreements, register tickets, indentures, and assignments as aforesaid, and a list of passengers and persons on board, and to muster the crew (including apprentices) of such ship, and to summon the master to appear before them, and give any explanation they may respectively require regarding the said crew, ship, or documents, for the purpose of ascertaining whether the provisions of this Act, and every other Act by which the crews of such ships as aforesaid are regulated, and the laws relating to navigation, have been kept and complied with, and to take copies of all or any of such documents ; and if any such master, on such demand being made, shall refuse to produce

Consuls, registrar, and officers of Customs empowered to require production of the agreement, muster roll, &c.

Penalty on master refusing to produce.

such log book, muster roll, agreements, register tickets, indentures, and assignments, and list of passengers and persons, or refuse to allow copies to be taken, or shall refuse to permit his crew to be so mustered, or shall refuse to appear and give such explanation as aforesaid, or shall wilfully deceive or mislead the person before whom he shall so appear, he shall for every such neglect, refusal, or offence, forfeit and pay the sum of twenty pounds.

#### SURVEY OF PROVISIONS.

Survey of provisions, &c.

If provisions are found insufficient, &c.

LVII. And be it enacted, That it shall and may be lawful for any consul or vice consul of Her Majesty, and for any collector or comptroller of the Customs, upon complaint made by any three or more of the crew, to survey and examine, or cause to be surveyed and examined, the provisions, water, and medicines put or supplied on board any ship for the use and consumption of the crew; and if on such survey and examination it shall be found that such provisions, water, or medicines, are of a bad quality, or unfit for use, or not appropriate, or there shall not appear to be a sufficient quantity thereof, the surveying officer shall signify the same in writing to the master of the ship; and if such master shall not thereupon provide other fit and proper provisions, water, or medicines, in lieu of any which may be signified by the said surveying officer to be of a bad quality, or unfit for use, or not appropriate, or if any such master shall not thereupon procure the requisite quantity of provisions, water, and medicines, or shall use any provisions, water, or medicines which shall have been signified by the surveying officer to be of a bad quality, or unfit for use, or not appropriate, he shall in each and every of such cases be guilty of a misdemeanor.

#### OFFENCES IN FOREIGN PORTS.

As to offences committed at Foreign ports.

LVIII. And be it enacted, That all offences against the property or persons of any subject of Her Majesty, or of any foreigner, which shall be committed in or at any port or place, either ashore or afloat, out of the dominions of Her Majesty, by the master and crew (including apprentices), or any or either of them, belonging to any ship subject to any of the provisions of this Act, or who, within three months before the committal of the offence shall have been the master thereof, or shall have formed part of any such crew, shall be and they are hereby declared to be offences of the same nature respectively, and to be liable to the same punishments respectively, as if they had been committed on the high seas and other places within the jurisdiction of the admiralty of England, and shall be inquired of, heard, tried, and determined and adjudged in the same manner as if such offences had been committed within such jurisdiction; and when any trial for such offences, or for any misdemeanor against the provisions of this Act, shall take place before any justices or judges of

oyer and terminer and gaol delivery, it shall be lawful for the court to order and direct the payment of the costs and expences of the prosecution, as in the case of costs and expences of prosecutions for offences committed within the jurisdiction of the admiralty of England.

LIX. And be it enacted, That whenever any complaint shall be made to any of Her Majesty's consuls or vice consuls of any such offence or of any offence having been committed at sea by the master and crew (including apprentices), or any or either of them, belonging to any ship subject to any of the provisions of this Act, it shall be lawful for any such consul or vice consul to inquire into the case, upon oath, and at his discretion to cause any offender to be placed under all necessary restraint, so far as it may be in his power, so that he may be sent and conveyed in safe custody to England, as soon as practicable, in any vessel of Her Majesty, or of any of her subjects, to be there proceeded against according to law; and the costs and charges of imprisoning any such offender, and of conveying him and the witnesses to England, if not conveyed in the ship to which they respectively belong, shall be considered and deemed as part of the costs of the prosecution, or be paid as costs incurred on account of seafaring subjects of the United Kingdom left in distress in foreign parts: and all depositions taken before any consul or vice consul abroad, and certified under his official seal to be the depositions, and that they were taken in the presence of the party accused, shall be admitted in evidence in all courts having criminal jurisdiction, and otherwise, in like manner as depositions taken before any Justice of the Peace in England now are or may be; and the register ticket of every offender shall be delivered up to Her Majesty's consul or vice consul, as the case may be, and be transmitted by him to the registrar of seamen.

For the safe custody and conveyance of offenders to England.

LX. And be it enacted, That it shall be lawful for any consul or vice consul to order a passage to England for any such offender or offenders under necessary restraint, and also for the witnesses; and the master or other person having the charge of any ship or vessel belonging to any subject of Her Majesty bound for England shall and he is hereby required to receive and afford a passage and subsistence during the voyage to any such offender or offenders and witnesses, not exceeding the rate of one offender or two witnesses for every one hundred tons of his ship's burden; and on his ship's arrival in England the master of any vessel belonging to a subject of Her Majesty shall take or cause to be taken the offender or offenders before a Justice of the Peace, who shall deal with the matter as in cases of offences committed upon the high seas; and in case the master or other person having the charge of any ship or vessel belonging to any subject of Her Majesty, when required by the consul or vice consul to receive and afford a passage to any offender or witness, shall not receive and afford such passage or shall not take or cause to be taken

As to the conveyance of offenders and witnesses to England.

the offender or offenders before a Justice of the Peace as aforesaid, every such master shall be liable to a penalty of fifty pounds ; and the seaman, if acquitted, shall receive his register ticket again upon due application to the registrar of seamen.

#### COLONIAL SHIPS.

As to ships  
belonging to  
British colonies.

LXI. And be it enacted, That this Act shall not extend or apply to any ship registered in or belonging to any British colony having a legislative assembly, or to the crew of any such ship, while such ship shall be within the precincts of such colony ; but every ship belonging to any colony or possession of Her Majesty, when proceeding from one part of the United Kingdom to another, or from the United Kingdom to the Islands of Jersey, Guernsey, Alderney, Sark, or Man, or from any port in the United Kingdom to any port or possession of any foreign power or country, or to any colony to which the ship shall not belong, shall be held to come within the provisions of this Act ; and this Act is hereby extended to the same ; and the owner, master, and crew, including apprentices, of such ship so trading as aforesaid, shall be and are hereby declared liable to the provisions of this Act as fully as the owner, master, and crew of any British-registered ship, and this Act and the provisions thereof (except so far as the same relate to agreements, register tickets, and having apprentices,) shall also extend and apply to ships belonging to all of Her Majesty's colonies and possessions abroad, wherever otherwise proceeding or trading, and to the owners, masters, and crews of such ships when any such ship shall be beyond the precincts of the colony or possession to which she shall belong ; and all certificates and sanctions required by this Act to be endorsed on agreements shall, in the case of ships last referred to, be otherwise given in writing where no written agreement exists.

#### PENALTIES AND FORFEITURES.

Recovery of  
penalties.

LXII. And be it enacted, That all penalties and forfeitures imposed by this Act, and for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered, with costs, either in any of Her Majesty's Courts of Record at Westminster, Edinburgh, or Dublin, or in the colonies or territories under the government of the East India Company, at the suit of Her Majesty's law officers respectively, or at the suit of any person, by information and summary proceeding before any Justice or Justices of the Peace in and for any part of Her Majesty's dominions, or the territories under the government of the East India Company, where or near to the place where the offence shall be committed or the offender shall be ; and if proceedings for the recovery of any forfeiture or penalty imposed by this Act, or for the recovery of any debt due to Her Majesty, be commenced in any of Her Majesty's Courts, the Court in which such

proceedings shall be instituted is hereby authorised to issue a commission or commissions in or out of Her Majesty's dominions for the examination of witnesses, and the depositions taken thereunder shall be used and admitted in evidence ; and in case of a summary conviction under this Act, and the sum imposed as a penalty by the Justice or Justices shall not be paid, either immediately after the conviction or within such period as the Justice or Justices shall at the time of the conviction appoint, it shall be lawful for the convicting Justice or Justices to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the Justice or Justices, for any term not exceeding six calendar months, the commitment to be determinable upon payment of the amount and costs ; and all penalties and forfeitures mentioned in this Act, for which no specific application is hereinbefore provided, shall, when recovered, be paid and applied in manner following : (that is to say,) so much thereof as the Court or the convicting Justice or Justices shall determine, but not exceeding one moiety, shall be paid to the informer or person upon whose discovery or information the same shall be recovered, and the residue shall be paid to the Seamen's Hospital Society : Provided always, that it shall be lawful for the Court before which, or the Justice or Justices before whom, any proceedings shall be instituted for the recovery of any pecuniary penalty imposed by this Act, to mitigate or reduce such penalty as to such Court or Justices respectively shall appear just and reasonable ; but no such penalty shall be reduced to less than one-third of its original amount ; and it shall be lawful, in the discretion of the said Court, or of the said Justice or Justices hearing the complaint, to order such costs against the informing or complaining party failing to prove the charge as the said Court or Justice or Justices may deem fit, and such costs shall be recoverable in the same manner as penalties under this Act, and be paid as such court or Justice or Justices shall direct : Provided also, that all proceedings so to be instituted shall be commenced within two years next after the commission of the offence, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two calendar months after the return of the offender and the complaining party to the United Kingdom.

Application of  
forfeitures.

#### DEFINITION OF TERMS.

LXIII. And to avoid doubts in the construction of this Act, be it enacted, That every person having the charge or command of any ship belonging to any subject of Her Majesty shall, within the meaning and for the purposes of this Act, be deemed and taken to be the master of such ship ; and that every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board

Definition of the  
terms "master,"  
"seaman,"  
"ship," and  
"owner."

the same shall be deemed and taken to be a seaman, within the meaning and for the purposes of this Act ; and that the term "ship" shall be taken and understood to comprehend every description of vessel navigating on any sea or channel, or waters outside the mouths of rivers, and also every vessel passing beyond the precincts of a port : and that the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the ship shall belong.

#### RELIEF OF INDIAN, ASIATIC, AND AFRICAN SEAMEN.

As to relief to persons from Asia and Africa, becoming distressed in the United Kingdom.

LXIV. And be it enacted, That if any person, being a Malay, Lascar, or native of the territories under the government of the East India Company, or of any Asiatic or African seaman, having been brought to the United Kingdom on board any ship, shall be found or be in the United Kingdom in distress for want of food, clothing, or other necessaries, it shall and may be lawful for the Commissioners for executing the office of Lord High Admiral of the United Kingdom, at their discretion, to supply necessary and reasonable relief to every such person and seaman, and to maintain him until he shall be sent on board some ship for the purpose of being conveyed to or near to the port from which he was shipped, and also to pay, defray, and advance the money necessary to procure every such person and seaman a proper and sufficient passage to such port ; and all such sum or sums of money as shall be paid and advanced by or by order of the said Commissioners for or on account of such relief, maintenance, and passage, shall be and become a debt due to Her Majesty, and be recoverable as such, with full costs of suit, in the courts of law either in Her Majesty's dominions or in the territories under the government of the East India Company, from the owner and master, or either of them, of the ship on board whereof such person or seaman shall have been brought from Asia or Africa ; but nothing herein contained shall repeal or annul any other Act or Acts now in force for the relief and conveyance home of any Asiatic or African person or seaman.

Act may be amended this Session.

LXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

# SCHEDULES TO WHICH THIS ACT REFERS.

## SCHEDULE (A.)

AN AGREEMENT made pursuant to the Directions of an Act of Parliament passed in the Year of the Reign of  
between the Master of the Ship and of the Burden of  
and the several Persons whose Names are subscribed hereto.

Tons,

It is agreed by and on the part of the said persons, and they severally hereby engage to serve on board the said ship in the several capacities against their respective names expressed on a voyage from the port of to [here the intended voyage is to be described as nearly as can be done, and the places at which it is intended the ship shall touch, or, if that cannot be done, the nature of the voyage in which she is to be employed]; and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to be at all times diligent to their respective duties and stations, and to be obedient to the lawful commands of the Master in every thing relating to the said ship, and the materials, stores, and cargo thereof, whether on board such ship, in boats, or on shore [here may be inserted any other clauses which the parties may think proper to be introduced into the Agreement, provided that the same be not contrary to or inconsistent with the provisions and spirit of this Act]; in consideration of which services, to be duly, honestly, carefully, and faithfully performed, the said Master doth hereby promise and agree to pay to the said Crew by way of compensation or wages the amount against their names respectively expressed: And it is hereby agreed, that any embezzlement, or wilful or negligent loss or destruction, of any part of the ship's cargo or stores, shall be made good to the Owner out of the wages (so far as they will extend) of the Seaman guilty of the same; and if any Seaman shall have entered himself as qualified for a duty to which he shall prove to be not competent, he shall be subject to a reduction of the rate of wages hereby agreed for, in proportion to his incompetency. In witness whereof the said parties have hereto subscribed their names on the days against their respective signatures mentioned.

No. and Date of Ship's Register.	Place and Time of Entry.		Men's Names Christian and Surnames set forth at full length.		Amount of Wages per Calendar Month, or Share, or Voyage.	Amount of Wages advanced at Time of Entry.	Amount of Monthly Allotment.	Quantity of Provisions per Day.	Witness to Signature.	Name of Ship in which the Seaman last served.	Number of Registered Ticket.
	Day.	Month.	Year.	Town or County where born.							

I hereby declare to the truth of all the particulars set forth in this agreement [or this attested Copy of Agreement], delivered to the Collector or Comptroller of the port of this day of 18 .

Master.  
Mate.

NOTE.—This Agreement, or an attested Copy thereof, is required to be delivered to the Collector and Comptroller of Customs within twenty-four hours after the arrival of the ship at her final port of destination in the United Kingdom.  
NOTE.—To British Consul or Vice-Consul on arrival in foreign parts, see § 53.

# SCHEDULE (B.)

AN AGREEMENT made pursuant to the directions of an Act of Parliament passed in the  
 between the Master of the Ship of the port of  
 of Tons, and the several Persons whose Names are subscribed hereto. Year of the Reign of and of the Burden

It is agreed by and on the part of the said persons, and they severally hereby engage to serve on board the said ship in the said several capacities against their respective names expressed, which ship is to be employed in *[here the nature of the ship's employment is to be described, whether in the fisheries, on the coast, or in proceeding from one part of the United Kingdom to another, or to any of the Islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any part of the Continent of Europe between the river Elbe inclusive and Brest]*; and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to be at all times diligent to their respective duties and stations, and to be obedient to the lawful commands of the Master in every thing relating to the said ship, and the materials, stores, and cargo thereof, whether on board such ship, in boats, or on shore *[here may be inserted any other clauses which the parties may think proper to be introduced into the Agreement, provided that the same be not contrary to or inconsistent with the provisions and spirit of this Act]*; in consideration of which services, to be duly, honestly, carefully, and faithfully performed, the said Master doth hereby promise to pay to the said Crew by way of compensation or wages the amount against their names respectively expressed: Provided always, and it is hereby declared, that no Seaman shall be entitled to his discharge from the ship during any voyage in which she may be engaged, nor at any other port than a port in the United Kingdom: And it is hereby agreed, that any embezzlement, or wilful or negligent loss or destruction, of any part of the ship's cargo or stores, shall be made good to the Owner out of the wages (so far as they will extend) of the Seaman guilty of the same; and if any Seaman shall have entered himself as qualified for a duty to which he shall prove to be not competent, he shall be subject to a reduction of the rate of wages hereby agreed for, in proportion to his incompetency. In witness whereof the said parties have hereto subscribed their names on the days against their respective signatures mentioned.

No. and Date of Ship's Register.	Place and Time of Entry.			Men's Names. Christian and Surnames set forth at full length.	Age.	Town or County where born.	Quantity of Wages per Calendar Month, Share, or Voyage.	Amount of Provisions per Day.	Witness to Signature.	Name of Ship in which the Seaman last served.	Number of Register Ticket.
	Day.	Month.	Year.								

I hereby declare to the truth of all the particulars set forth in this Agreement [or attested Copy of Agreement] delivered to the Collector or Comptroller of the port of this day of 18 .

Master.

Mate.

NOTE.—This Agreement, or an attested Copy thereof, is required to be delivered to the Collector or Comptroller of Customs of any port of the United Kingdom within thirty days after the thirtieth of June and the thirty-first of December in each year.



# SCHEDULE (C.)

Ship of the Port of \_\_\_\_\_ Tons, whereof \_\_\_\_\_ was Master.  
 A List of the Crew (including the Master and Apprentices) at the period of quitting the port of \_\_\_\_\_ in the United Kingdom,  
 from which she took her first departure on her voyage to \_\_\_\_\_ and of the men who joined  
 the ship subsequent to such departure, and until her return to the port of \_\_\_\_\_ being her first final port of destination in the United  
 Kingdom on the \_\_\_\_\_ day of \_\_\_\_\_ 184 .

No. and Date of Ship's Register.	Name, Christian and Surname at full length.	Age.	Town or County where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of Death or leaving the Ship.	Place where.	How disposed of.	Date of Apprentices Indentures and Assignments.	When and where registered.	Numbers of Register Tickets.
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NOTE.—If any one of the Crew has entered Her Majesty's service, the name of the Queen's ship in which he entered must be stated in the account, under the head of "How disposed of."

NOTE.—This list to be filled up and signed by the Master of every vessel, of whatever tonnage, and to be delivered by him to the Collector or Comptroller of the Customs within twenty-four hours after the ship's arrival at her final port of destination in the United Kingdom.

# SCHEDULE (D.)

AN ACCOUNT of the Voyages in which the ship \_\_\_\_\_ of \_\_\_\_\_ tons has been engaged, in the  
 half year commencing on the \_\_\_\_\_ day of \_\_\_\_\_ 18 , and ending on the day of \_\_\_\_\_ 18 , and of all the  
 persons (Master and Apprentices included) who have belonged to such ship during that period.

ACCOUNT OF THE VOYAGES.—[Here the several Voyages, and the periods of such Voyages, are to be described.]—ACCOUNT OF THE CREW.

No. and Date of Ship's Register.	Name, Christian and Surname at full length.	Age.	Town or County where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of Death or leaving the Ship.	Place where.	How disposed of.	Date of Apprentices Indentures and Assignments.	When and where registered.	Numbers of Register Tickets.
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NOTE.—If any one of the Crew shall have entered Her Majesty's service, the name of the Queen's ship in which he entered must be stated in this Account, under the head of "How disposed of."

NOTE.—This Account, when filled up, is to be signed by the Owner or Master of every ship, of whatever tonnage, and deposited with the Collector or Comptroller of the Customs of any port of the United Kingdom within twenty-one days after the thirtieth of June and the thirty-first of December in every year.

## SCHEDULE (E.)

This is to certify, That \_\_\_\_\_ whose register ticket is numbered \_\_\_\_\_  
 served as \_\_\_\_\_ on board the \_\_\_\_\_  
 of the port of \_\_\_\_\_ of the burden of \_\_\_\_\_ tons, from the  
 day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_  
 and that he was discharged from the said ship on \_\_\_\_\_ at \_\_\_\_\_  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_ 184 . \_\_\_\_\_  
 Master.

## SCHEDULE (F.)

1. What is your christian and surname ?
2. Have you or have you not been registered before ?
3. Where were you born, and when ?
4. When did you first go to sea ?
5. In what capacity did you go, and in what capacity have you since served ?
6. Have you or have you not served in the Royal Navy ?
7. If you have, how long ? and in what ships ? and in what capacity ?
8. Have you or have you not been in foreign service ?
9. If you have, how long ? and in what capacity ? and under what flag ?
10. How have you been generally employed at sea ?
11. Where is your usual place of residence when unemployed ?

## SCHEDULE (G.)

NAMES, and distinguishing numbers of the register tickets, of the crew  
 (including apprentices) now serving on board the \_\_\_\_\_ of the  
 port of \_\_\_\_\_ of the burden of \_\_\_\_\_ tons, on taking departure  
 from the port of \_\_\_\_\_ in the United Kingdom, bound on a  
 voyage to \_\_\_\_\_

No. and Date of Ship's Register.	Name.	Capacity.	Number of Register Ticket.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 184 .

Master.

Particulars to be clearly and legibly set forth.

REPORT REQUIRED TO BE HANDED IN, AND DECLARATION MADE, IN  
TO THE OFFICERS OF CUSTOMS BY THE MASTERS OF BRITISH AND  
FOREIGN SHIPS, IN PROOF OF COMPLIANCE WITH THE SEVERAL  
PROVISIONS OF THE NAVIGATION LAW, &c.

(Paper handed in to the Committee by Mr. J. Braysher, Collector of  
Customs in the port of London, 15th April, 1847.)

## ENGLISH SHIP.

(Copy.)

LONDON, No. 20.—In the ship Anne Jane, of Liverpool, British Report.  
built, property all British, 350<sup>33</sup>/<sub>100</sub> tons, with fifteen men, all British,  
besides Frederick Rowe, a British man, master, for this present  
voyage, from Hong Kong.

A.	200	bags	sugar	.	.	.	.	.		
B.	1,500	ditto	.	.	.	.	.	.		
C.	2,800	ditto	.	.	.	.	.	.		
D.	99	ditto	.	.	.	.	.	.		
E.	216	ditto	.	.	.	.	.	.		
F.	486	ditto	.	.	.	.	.	.		
G.	1,035	ditto	.	.	.	.	.	.		
H.	1,047	ditto	.	.	.	.	.	.		
B. D.	18	bales	silk	.	.	.	.	.		
R. E.	14	ditto	.	.	.	.	.	.		
W. H. H.	1	package,	contents unknown							
J. H.	1	ditto	.							
J. G.	1	ditto	.							
J. W.	1	ditto	.							
T.	1	ditto	.							
J. Senr	1	ditto	.							
Addressed	3	ditto	.							
										Consigned to order.
L./M. H.	50	cases	sweetmeats							
G. H.	5	cases	chinaware							
Messrs. Gower, Nephews.	1	case	sundries							
Woollett.	1	case,	contents unknown							
J. Harris.	1	case,	contents unknown							
Mrs. Hulme.	2	ditto	ditto							
Mrs. Hulme.	1	box	books							
Lady Gage.	2	ditto	tea							
Stour & Co.	1	ditto	books							
T./T.	500	chests	cassia							
Sir J. B. Coote.	1	package,	contents unknown							
R.	7	boxes	tea							
F. R.	3	cases	sweetmeats							

Surplus Stores : About 30 lbs. sugar.

Pilots' Names : J. L. Hubbard, Dungeness ; W. Fothergill, Graves-  
end.

Agents' Names : Phillips & Tiplady. Ship lying London Docks.

I, Frederick Rowe, do declare that I have no aliens on board my ship, and that I have not passed any lights on the Irish coast so as to receive benefit therefrom, since clearing last from England.

(Signed) *F. Rowe.*

Signed and declared before me, 13th April, 1847.

(Signed) *E. Clark, p' Collector.*

**Declaration.**

I do hereby declare, that the entry above written, now tendered and subscribed by me, is a just report of the name of my ship, its burthen, build, property, number and country of mariners, the present master and voyage; and that it doth further contain a true account of my lading, with the particular marks, numbers, quantity, quality, and consignment of all the goods and merchandises in my said ship, to the best of my knowledge; and that I have not broken bulk or delivered any goods out of my said ship since her loading in Hong Kong; and that I have no foreign sails or cordage.

Signed and declared this 13th day of April, 1847.

*F. Rowe.*

In the presence of

*E. Clark, p' Collector.*

**AMERICAN SHIP.**

(Copy.)

**Report.**

LONDON, No. 9.—In the ship *Areatus*, of United States of America, American built, property all American, about 550 tons, with nineteen men, of whom sixteen are Americans, and three are foreigners, besides Thorndike Proctor, an American man, master, for this present voyage from New York.

R.	413 barrels	} Oil cake	} Consigned to Jno. Pickersgill.
	46 tierces		
B.	8 hogsheads		
M.	1,609 barrels merchandize		
A.	200 barrels flour; Kingsford & Lay.		
R.	691 barrels turpentine; Order.		
	Albion Stone Mills.	1,259 barrels flour; Baring, Brothers & Co.	
R. F. & Co.	1,100 barrels flour; Reid, Irving & Co.		
C. S.	300 ditto	Order.	
E. V. W. D.	500 ditto	} Edwd. Varneck.	
Mr. Varneck.	1 barrel apples.		
C. W.	291 barrels corn meal	} Order.	
C.	209 ditto		
S. F.	20 barrels biscuits	} Order.	
	20 ditto Indian meal		
	10 ditto cranberries		
R.	424 boxes cheese; Order.		

**Surplus Stores.**

36 barrels beef.  
18 ditto pork.

50 lbs. rice.  
5 gallons spirits.

4,000 lbs. bread.	1 barrel hams.
9 barrels flour.	4 boxes raisins.
100 lbs. sago.	1,500 cigars.
30 lbs. coffee.	60 lbs. tobacco.
100 lbs. tea.	4 barrels pease.
3 barrels molasses.	20 kegs paints.
A quantity of fire and dunnage wood, boards, and planks for ship's use.	

Pilot's name : — Mackay, from Dungeness and Gravesend.

Agent's name : Charles Gunn.

I, Thorndike Proctor, do declare that I have no aliens on board my ship except myself and crew, and that I have not passed any lights on the Irish coast so as to receive benefit therefrom since clearing last from England.

(Signed) *F. Proctor.*

Signed and declared before me, 13th April, 1847.

(Signed) *E. Clark, p' Collector.*

I do hereby declare, that the entry above written, now tendered and subscribed by me, is a just report of the name of my ship, its burthen, build, property, number and country of mariners, the present master and voyage ; and that it doth further contain a true account of my lading, with the particular marks, numbers, quantity, quality, and consignment of all the goods and merchandises in my said ship, to the best of my knowledge ; and that I have not broken bulk or delivered any goods out of my said ship since her loading in New York. Declaration.

Signed and declared this 13th day of April, 1847.

(Signed) *T. Proctor.*

In the presence of  
*E. Clark, p' Collector.*

Ship lying London Docks.

#### TABLE OF FREE PORTS. (1)

Kingston . . . . .	} Jamaica.
— Old Harbour . . . . .	
Savanna la Mer . . . . .	
— Black River . . . . .	
Montego Bay . . . . .	
— St. Lucia . . . . .	
Falmouth . . . . .	
— Rio Bueno . . . . .	
— St. Ann's . . . . .	
Port Maria . . . . .	
— Annotto Bay . . . . .	
Port Antonio . . . . .	
Morant Bay . . . . .	
— Port Morant . . . . .	

Bridgetown . . . . .	Barbadoes.	
St. John's . . . . .	Antigua.	
Plymouth . . . . .	Montserrat.	
Basseterre . . . . .	St. Kitt's.	
——— Anguilla . . . . .	Anguilla.	
Charlestown . . . . .	Nevis.	
Road Harbour . . . . .	Tortola.	
Castries . . . . .	St. Lucia.	
Roseau . . . . .	Dominica.	
Kingstown . . . . .	St. Vincent.	
St. George's . . . . .	Grenada.	
Port of Spain . . . . .	} Trinidad.	
——— San Fernando . . . . .		
Scarborough . . . . .	Tobago.	
George Town . . . . .	Demerara . . .	} British Guiana.
New Amsterdam . . . . .	Berbice . . .	
Nassau . . . . .	New Providence.	} Bahamas.
——— Grand Key . . . . .	Turk's Island.	
——— Pitt's Town . . . . .	Crooked Island.	
Any Port where there is a Custom House . . . . .	. . . . .	
Ports St. George's and Hamilton	. . . . .	Bermudas.
Quebec . . . . .	Canada.	
Halifax . . . . .	} Nova Scotia.	
——— Pictou . . . . .		
——— Liverpool . . . . .		
——— Yarmouth . . . . .		
——— Lunenburg . . . . .		
——— Shelburne . . . . .		
——— Digby . . . . .		
——— Windsor . . . . .		
——— Parrsboro' . . . . .		
——— Cumberland . . . . .		
——— New Edinburgh . . . . .		
——— Arichat . . . . .	} Prince Edward's Island.	
——— Sydney, Cape Breton . . . . .		
Charlotte Town . . . . .	} . . . . .	
George Town . . . . .		
St. John's . . . . .	} New Brunswick.	
——— Miramichi . . . . .		
——— Dalhousie . . . . .		
St. Andrew's . . . . .		
——— Magaguadavic . . . . .	} Newfoundland.	
——— Campo Bello . . . . .		
St. John's . . . . .	} . . . . .	
——— Harbour Gráce . . . . .		

PAPER HANDED IN BY MR. LEFEVRE, SECRETARY OF THE BOARD OF TRADE, TO THE SELECT COMMITTEE ON THE NAVIGATION LAWS, 1847.

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A COMPARATIVE VIEW OF THE NAVIGATION LAW OF 1660 AND 1847.

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I. THE PLANTATION TRADE.

Law in 1660.

Rule 1st. (Conf. 1, 2, 3, and 4, of 1847).

"No goods or commodities whatsoever shall be imported into or exported out of any lands, islands, plantations, or territories to His Majesty belonging, or in his possession, or which may hereafter belong unto or be in the possession of His Majesty, his heirs and successors, in Asia, Africa, or America, in any other ship or ships, vessel or vessels whatsoever, but in such ships or vessels as do truly and without fraud belong only to the people of England or Ireland, dominion of Wales, or town of Berwick-upon-Tweed, or are of the build of or belonging to any of the said lands, islands, plantations, or territories, as the proprietors and right owners thereof, and whereof the master and three-fourths of the mariners at least are English."—(12 Car. 2, c. 18, s. 1.)

Law in 1847.

Rule 1st. (Conf. 1, of 1660).

"No goods shall be exported from the United Kingdom to any British possession in Asia, Africa, or America, nor to the islands of Guernsey, Jersey, Alderney, or Sark, except in British ships."—(8 & 9 Vict. c. 88, s. 7.)

*N.B.*—But vessels belonging to the United States may carry goods from this country to the principal British settlements in the East Indies.—(59 G. 3, c. 54, s. 6.) And it is understood that the Queen may conclude treaties, allowing the same privilege to the ships of other foreign countries, and some such treaties have actually been concluded; *e.g.* with Austria and Russia. (*See* 8 & 9 Vict. c. 90, s. 9.)

**Rule 2nd. (Conf. 5, of 1847).**

"No sugars, tobacco, cotton-wool, indigoes, ginger, fustic or other dyeing wood, of the growth, production, or manufacture of any English plantations in America, Asia, or Africa, shall be shipped, carried, conveyed, or transported from any of the said English plantations to any land, island, territory, dominion, port, or place whatsoever, other than to such other English plantations as do belong to His Majesty, his heirs and successors, or to the kingdom of England or Ireland, or principality of Wales, or town of Berwick-upon-Tweed, there to be laid on shore."

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"For every ship or vessel which shall set sail out of or from England, Ireland, Wales, or town of Berwick-upon-Tweed, for any English plantation in America, Asia, or Africa, sufficient bond shall be given with one surety to the chief officers of the custom-house of such port or place from whence the said ship shall set sail, that in case the said ship or vessel shall load any of the said commodities at any of the said English plantations, that the said commodities shall be by the said ship brought to some port of England, Ireland, Wales, or to the port or town of Berwick-upon-Tweed, and shall there unload (*sic*) and put on shore the same, the danger of the seas only excepted; and for all ships coming from any other port or place to any of the aforesaid plantations, who (*sic*) by this Act are per-

**Rule 2nd. (Conf. 1, of 1680).**

"No goods shall be carried from any British possession in Asia, Africa, or America, to any other of such possessions, nor from one part of such possessions to another part of the same, except in British ships."—(8 & 9 Vict. c. 88, s. 10).

**Rule 3rd. (Conf. 1, of 1660).**

"No goods shall be imported into any British possession in Asia, Africa, or America, in any foreign ships, unless they be ships of the country of which the goods are the produce, and from which the goods are imported."—(8 & 9 Vict. c. 88, s. 11).

*N.B.*—But Her Majesty may, by Order in Council, declare that goods, the growth, &c., of any foreign country, may be imported into Hong Kong, from the same or any other foreign country, in vessels belonging to the same or any other foreign country, and however navigated. (*See* 8 and 9 Vict. c. 88, s. 12).

*N.B.*—2. Her Majesty may, by Order in Council, declare that goods of any sort, or the produce of any place, not otherwise prohibited than by the Law of Navigation, may be imported into any port or ports of the British possessions abroad, to be named in such Order, from any place in a British ship, and from any place not being a part of the British dominions, in a foreign ship of any country, and however navigated, to be ware-



mitted to trade there, that the Governor of such English plantations shall, before the said ship or vessel be permitted to load on board any of the said commodities, take bond, in manner and to the value aforesaid, for each respective ship or vessel, that such ship or vessel shall carry all the aforesaid goods that shall be laden on board in the said ship to some other of His Majesty's English plantations, or to England, Ireland, Wales, or town of Berwick-upon-Tweed."—(12 Car. 2, c. 18, ss. 18, 19.)

housed for exportation only." (8 & 9 Vict. c. 88, s. 23.)

Rule 4th (conf. 1, of 1660).

The privileges of trading allowed to foreign ships under Rule 3, are limited to "the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, on the footing of the most favoured nation; unless Her Majesty, by Order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such foreign country."—(8 and 9 Vict. c. 93, s. 4.)

Rule 5th (conf. 2, of 1660).

"No goods shall be imported into, nor shall any goods, except the produce of the fisheries, in British ships, be exported from any of the British possessions in America by sea, from or to any place other than the United Kingdom, or some other of such possessions, except into or from the several ports in such possessions called 'Free Ports.'"—(8 & 9 Vict. c. 93, s. 2.)

*N.B.*—This applies to the Mauritius as well as the American possessions. (*Ibid.* s. 62.) The trade of other colonies is regulated by the Queen. (*Ibid.* s. 90.) Goods may be imported

by inland navigation into any place where there is a custom-house. (*Ibid.* s. 45.) The rule is not to extend "to prohibit the importation or exportation of goods into or from any ports or places in Newfoundland or Labrador in British ships," and certain articles may be imported from Guernsey and Jersey into places whence the fishery is carried on, though the same be not free ports. (*Ibid.* s. 2.)

#### INTERMEDIATE HISTORY OF THE LAW.

The Act of 1660, as appears from the foregoing summary, established two rules applicable to the plantation trade: first, that the whole trade of the plantations should be carried on in British ships; and secondly, that the principal productions of the plantations should be allowed to be exported only to the mother country, or some other plantation. A third general rule was introduced a year or two later, by the Act 15 Car. 2, c. 7, s. 6; viz.: that no goods of the produce of Europe should be imported into any of the plantations in Asia, Africa, or America, (except Tangier), but such as were *bonâ fide* and without fraud laden and shipped in England, Wales, or the town of Berwick-upon-Tweed, and in English-built shipping. The history of the Navigation Law, during the period which has elapsed since the Act of 1660, may most conveniently be collected under the heads of these three rules.

**RULE I.**—The principle of the exclusion of foreign ships from the plantation trade was maintained entire until the year 1766; but in the interval several alterations were made in the definition of English shipping, for which, as the subject is one that seems to require separate discussion, see *Notes (A)*.

In the year 1766, the Act commonly called the "Free Port Act" (6 G. 3, c. 49) was passed; the intention of which is said to have been the legalising, so far as we were concerned, the illicit but profitable trade then carried on between some of our West India islands and the Spanish colonies. It permits, with certain exceptions, the produce (but not the manufactures) of foreign colonies in America to be imported into certain specified ports in Dominica and Jamaica respectively, in foreign one-decked vessels. It also permits the re-exportation from the same ports to foreign places, in foreign one-decked vessels, of any goods legally imported into the said islands from Great Britain, Ireland, or the British possessions in America,

with, however, certain exceptions. The Act contains a variety of restrictions upon the trade of these two islands, as well with other colonies as with foreign ports, in order to prevent any general infringement of our colonial system through the exceptional treatment of these places. In 1773 the Act, which was then expiring, was continued so far as regarded Dominica, but not for Jamaica, till 1780, by statute 13 G. 3, c. 73, which also adds some regulations as to the trade of Dominica. In the following year it was continued for Jamaica also, by 14 G. 3, c. 41. In 1781 it was further continued for Jamaica, but not for Dominica, by 21 G. 3, c. 29. In 1787 the Act was repealed by 27 G. 3, c. 27, and new provisions were made, by which it was made legal to import into certain ports in Jamaica, Grenada, Dominica, and the Bahamas, any wool, cotton-wool, indigo, and a variety of other articles therein enumerated, being the growth or production of any colonies in America belonging to a foreign European sovereign or state, from such colonies, in foreign one-decked vessels not exceeding 70 tons burthen, and owned and navigated by the subjects of any foreign European sovereign or state. These articles might be re-exported to Great Britain and Ireland. It was also made legal for foreign ships of the same description to export from the same ports to foreign parts rum the produce of any British island, and all manner of goods (with some exceptions) legally imported into the place of export. The Act contained several precautionary regulations. In 1790 the restriction as to tonnage was taken off (30 G. 3, c. 29); and in the same year the privilege granted to the subjects of foreign European states was extended to all the inhabitants of the colonies in question, by 30 G. 3, c. 38. Some amendments of detail were made in the Act of 1787, by the statutes 33 G. 3, c. 50, s. 8 (adding tobacco to the list of enumerated articles) and 38 G. 3, c. 39 (removing a prohibition against exporting European goods from the islands in question to other British colonies.) In 1792 the Act of 1787 was made perpetual by 32 G. 3, c. 37. In the same year power was given to his Majesty to appoint free ports in the Bahama and Bermuda Islands (which was subsequently given for the Caiicos likewise), for the importation of foreign sugar and coffee, 32 G. 3, c. 43, and see 33 G. 3, c. 50, s. 10; and by subsequent Acts (33 G. 3, c. 50, s. 1; 36 G. 3, c. 55; 37 G. 3, c. 77; 41 G. 3, c. 97; 41 G. 3, st. 2, c. 23; 42 G. 3, c. 102; and 43 G. 3, c. 123) several other ports were added to the list of free ports. In 1805 the whole of these Acts were repealed, and fresh provisions made by statute 45 G. 3, c. 57, but this is apparently little more than a consolidation of the then existing law. In 1808 rice, grain, and flour were added to the list of articles allowed to be imported into the free ports, by 48 G. 3, c. 125. In 1810 the restriction of the privilege to one-decked vessels was removed by 50 G. 3, c. 21.

It will be observed that none of the legislation above cited on this

point allows the vessels of the United States, after the recognition of their independence, to engage in the trade of our plantations. For the legislation on this subject, see the Note on the Trade with the United States (*infra*).

Some further changes in the law as to the admission of foreign vessels into the plantation trade, will be found under the two following heads. The following statutes may also be referred to :—

52 G. 3, c. 99, allowing the exportation of salt from the Bahamas in foreign vessels :

54 G. 3, c. 72, allowing Dutch vessels to trade between Holland and the colonies ceded to this country by Holland in South America.

RULE II.—The following articles were at several times added to the list of produce which was only to be exported from the colonies to the mother country, or some other plantation. Rice and molasses (by 3 & 4 Ann, c. 5) ; copper ore (by 8 G. 1, c. 18, s. 22) ; coffee, pimento, cocoa-nuts, whale-fins, raw silk, hides and skins, and pot and pearl ashes (by 4 G. 3, c. 15, s. 27).

The Act of 1660 allowed the exports to the mother country to be to England or Ireland. By 15 Car. 2, c. 7, s. 9, however, they were confined to England and Wales. By the fourth article of the Act of Union (5 Ann, c. 8) Scotland was admitted to a share in the plantation trade, and consequently exports might be made to Scotland. By 4 G. 2, c. 15, it was provided that goods not included in the list of enumerated articles, might be exported from the colonies to Ireland ; but by 5 G. 2, c. 9, it was declared that this permission did not extend to hops. The Act 20 G. 3, c. 10, places Ireland on the same footing with Great Britain as regards both the import and export trade of the British plantations in America and Africa, provided the Irish Parliament maintain an equality in the duties, drawbacks, &c. in certain cases. As respects the inter-colonial trade in the enumerated articles, it should be noticed that by 25 Car. 2, c. 7, s. 2, it is provided that if masters of ships do not, on exporting any of those articles from any of the colonies, give bond that they shall be carried to England, they shall pay certain duties upon them. This amounts in substance to the imposition of duties on the inter-colonial trade, for it is declared by 7 & 8 W. 3, c. 22, s. 8, that it does not imply a permission to export the goods to foreign countries. By 4 G. 3, c. 15, s. 28, it is made illegal to export iron and lumber from British North America to any part of Europe, except Great Britain ; but by 5 G. 3, c. 45, s. 22, it is declared that such iron may be exported to Ireland, and such lumber to Madeira, the Azores, or any place south of Cape Finisterre. The Act 6 G. 3, c. 52, s. 30, provides that bond must be given on the exportation of any non-enumerated goods, that they shall not be landed in any part of Europe, north of Cape Finisterre, except Great Britain. But by 7 G. 3, c. 2, they may be landed in Ireland.

The principal exceptions made to the rule affecting the enumerated articles are in the cases of rice and sugar, the staple produce of some of the American plantations.

By 3 G. 2, c. 28, it was made lawful for British subjects to export rice in British ships from Carolina (and by 8 G. 2, c. 19, from Georgia) to parts of Europe south of Cape Finisterre; and by 4 G. 3, c. 7, and 5 G. 3, c. 45, s. 19, it was made lawful to carry rice from these colonies to any part of America lying south of Georgia.

By 12 G. 2, c. 30, it is provided that ships owned by British subjects, of whom the greater part are residents in Great Britain, and the rest either in Great Britain or the sugar colonies, (this restriction was removed by 15 G. 2, c. 33, s. 5,) and duly built and navigated, may clear out from a port in Great Britain, under licence from the Commissioners of Customs, for the sugar colonies, and may there take on board a cargo of British Plantation sugar; and, after touching at a port in Great Britain, may carry the same to any part of Europe, returning to Great Britain within eight months after its delivery, and before again proceeding to any colony. If the sugar is to be taken to any place south of Cape Finisterre, the ship need not touch at a port in Great Britain. No tobacco, molasses, ginger, cotton, wool, indigo, fustic or other dyeing wood, tar, pitch, turpentine, hemp, masts, yards, bowsprits, copper ore, beaver skins or other furs, the growth, &c. of any British Plantation in America, are to be taken on board such vessel, except as stores. The Act does not authorize carrying sugar to Ireland. This Act was repealed by 34 G. 3, c. 42, s. 7, passed about the time that the importation of foreign sugar into our colonies was first permitted (*vide supra*). It had never been of any practical effect, the home market having been more attractive than the foreign. It was, however, partially revived by 48 G. 3, c. 69, which allows British subjects (but no other persons) to export in British ships, duly licensed for the purpose, any sugar or coffee (or cocoa, 50 G. 3, c. 13, s. 3), the growth of the British possessions in America, to places in Europe, south of Cape Finisterre, and to re-import corn from such places, or from the North of Africa.

On the revision of our commercial system in 1822, the Acts 3 G. 4, c. 44, s. 4, and c. 45, s. 2, permitted the exportation of all the produce of the colonies, and of any articles legally imported therein, to any place in Europe, Africa, or America:—to places in America, either in British ships or in ships of the country to which the goods are exported, and to places in Europe or Africa, in British ships only.

In the year 1825, upon the general consolidation of the Customs' Laws, the above limitations of the right of exportation were removed, and the law in this respect placed pretty much on the same footing on which it now stands. The subsequent consolidations of 1833 and 1845 make little change in it.

**RULE III.**—The rule that goods the produce of Europe were only to be imported into the colonies from the United Kingdom, was originally subject only to the following exceptions: salt might be taken to the fisheries from any part of Europe; wines of Madeira and the Azores might be imported thence; servants and horses might be imported from Scotland and Ireland; and so might provisions, being of the produce of Scotland and Ireland respectively. The first relaxation of this rule was made in favour of Irish linens, by 3 & 4 Ann, c. 8, which allowed natives of England or Ireland to take Irish linens from any port in Ireland to the plantations, in English-built shipping, whereof the master and three-fourths of the mariners, at least, were English or Irish. The liberty of importing salt from foreign places in Europe, which had originally been granted only to New England and Newfoundland, was extended to Pennsylvania by 13 G. 1, c. 5, to New York by 3 G. 2, c. 12, to Nova Scotia by 2 G. 3, c. 24, and to Quebec by 4 G. 3, c. 19. These last relaxations were made for the sake of the fisheries. On the same account permission was given by 9 G. 3, c. 28, to export from Guernsey and Jersey to the fisheries, any craft, clothing, or other goods of British manufacture, and any food or victuals of British produce, that might be necessary for the same.

By 46 G. 3, c. 116, it was made lawful to carry fruit, wine, oil, salt, and cork, the produce of Europe, from Gibraltar or Malta to the North American colonies in British vessels; and by 55 G. 3, c. 29, it was made lawful to carry a great number of articles from Malta (and afterwards from Gibraltar under 57 G. 3, c. 4) to any of the British possessions in America. By the same Acts the export of certain other articles from the colonies to Malta and Gibraltar was also permitted.

By 49 G. 3, c. 47, it was made lawful to carry fruit, wine, salt, and oil, the produce of Europe, from ports in Europe, south of Cape Finisterre, to certain ports in British North America, in British ships, which had brought British North American produce or fish to these ports. This Act was repealed, so far as related to salt, by 50 G. 3, c. 60, but was afterwards amended, and salt was replaced in the list of articles by 51 G. 3, c. 97. By 57 G. 3, c. 89, it was made lawful to export oranges and lemons from the Azores and Madeira to the British North American colonies in any British ship.

The 8th section of the Act 3 G. 4, c. 45, (one of the Acts already adverted to,) permits the importation of a number of articles from foreign ports in Europe or Africa, into the British possessions in America, but only in British ships.

By the Act 6 G. 4, c. 73, the importation of all classes of goods, except a few prohibited articles, was permitted from any place except places within the limits of the East India Company's charter, into all the free ports of the British possessions in America, except Newfoundland, to which the Act did not apply, and the importation

might be either in British vessels, or in vessels of the producing country.

In the same year (1825) the first consolidation of the Customs' Laws took place, and the law was then put on very much the same footing in this respect as that in which it now stands; that is to say, the importation and exportation of all classes of goods into or from the free ports, was generally legalised, subject to certain prohibitions against the importation of particular articles, some of which have since been removed, whilst others (*e.g.* those against pirated books, counterfeit coin, &c., and the restrictions on gunpowder, arms, &c.) still remain. A tariff of differential duties was imposed upon foreign goods, of which duties one-tenth (subsequently increased to one-fourth) was to be remitted when the goods were imported through an English warehouse. The principle of this tariff, and of the remission, is still retained, but has been materially modified by the Act of last Session (9 & 10 Vict. c. 94), which empowers the colonial legislatures, with the assent of the Queen in Council, to alter it.

#### NOTE ON TRADE WITH THE UNITED STATES.

The statutes regulating the trade of this country, and its possessions, with the United States of America, are of peculiar interest, and deserve separate consideration, inasmuch as the alteration of our relations, consequent upon the acknowledgment of the independence of those States, produced some of the most important alterations that have been made in our navigation system.

At the time of the commencement of the War of Independence, the chief regulations as to the trade of the American colonies were these, (subject in each case to a few exceptions):

1. They could import or export nothing in any but British vessels.
2. They could not export the most important articles of their produce to any part of Europe other than Great Britain.
3. They could import no goods from any part of Europe other than Great Britain.

On the breaking out of the war, the statutes 14 G. 3, c. 19; 15 G. 3, c. 10; 15 G. 3, c. 18; and 16 G. 3, c. 5, were successively passed, with the view, first of restricting, and then of wholly prohibiting, the trade between this country and her rebellious colonies. The prohibition was taken off in 1783 (by 23 G. 3, c. 26), and by an Act of that year (23 G. 3, c. 39), the King was empowered to regulate the trade with the United States by Order in Council. This power, combined with occasional legislation on particular points (*see* 25 G. 3, c. 1; 27 G. 3, c. 7), was continued by annual Acts till 1788, when the trade between the United States and the British possessions in America was placed under permanent regulations by the Act 28 G.

3, c. 6, the power of making orders for their trade with this country being still continued to the King in Council.

The main provisions of the Act 28 G. 3, c. 6, were as follow :

(1.) No goods were to be imported into the British West Indies from the United States, except about thirty enumerated articles, being of the growth, produce, or manufacture of the States ; and those were only to be imported by British subjects and in British ships.

(2.) Such enumerated articles were not to be imported into the British West Indies from the Foreign West Indies. But governors might relax this prohibition in cases of public emergency. [By a subsequent Act (31 G. 3, c. 38), foreign colonies on the continent of South America were assimilated to the foreign West Indies, in respect of their trade with our possessions. But Brazilian goods were admitted by 51 G. 3, c. 47, s. 6 ; and see an extension of this permission by 58 G. 3, c. 27.]

(3.) Such goods as might by law be exported from the West Indies to places in Europe, as also certain other goods (sugar, coffee, &c.), might be exported therefrom to the United States, but only by British subjects and in British ships.

United States vessels, however, coming in ballast, might export salt from Turk's Islands (and by a subsequent Act, 44 G. 3, c. 101, from certain other ports), but the trade of Turk's Islands was at the same time placed under considerable restrictions.

(4.) No goods whatever might be imported from the United States into New Brunswick, Nova Scotia, Cape Breton, St. John's, or Newfoundland, nor by sea into the province of Quebec ; but provisions were made for cases of emergency.

Such were the provisions of the law as regarded the trade with the colonies. The trade between this country and the United States continued to be regulated by Orders in Council till 1797, when the Act 37 G. 3, c. 97 was passed, in order to carry out the commercial treaty then recently concluded. The main provision of this Act was, that all articles of the growth, produce, or manufacture of the United States (not being such as were generally prohibited by law) might be imported into Great Britain [extended to Ireland, 41 G. 3, c. 95] directly from the United States, either in British vessels or in vessels of the United States. This provision corresponds exactly with the existing state of the law. A variety of subsequent statutes have been passed, but they relate chiefly to equality of duties on importations in ships of either country. (See 37 G. 3, c. 97, s. 11 ; 42 G. 3, c. 27 ; 49 G. 3, c. 59 ; 56 G. 3, c. 15 ; 56 G. 3, c. 51 ; 59 G. 3, c. 54.)

The trade between the United States and the British colonies was, however, subjected to further regulations by subsequent statutes, such as 37 G. 3, c. 97, s. 22, permitting them to trade with the East



Indies ; and 47 G. 3, Sess. 2, c. 38 ; 49 G. 3, c. 49 ; 52 G. 3, c. 55, regulating their trade with our North American possessions.

In 1822 the trade was materially opened by the Act 3 G. 4, c. 44, which was passed for the regulation of the trade between the British possessions in America and the West Indies, and other places in America and the West Indies. It was thereby made legal to import into certain ports in the West Indies and other British possessions in America, from the United States, a much greater number of articles the produce of the United States, and that, either in British or in American vessels. The produce of the British possessions, as well as foreign goods which had been legally imported thereinto, might be exported from the same ports to the United States either in British or American vessels. These provisions, it should be remarked, applied generally to the trade of our possessions with other foreign states in America, and not only to that with the United States. Power was, however, reserved to the King in Council to prohibit intercourse with such foreign states as might not treat us on a footing of reciprocity. The Act allowed certain foreign vessels, though not of the build of the countries to which they belong, to engage in the trade with such countries for ten years. Articles legally imported under the Act might be re-exported in British ships to other British possessions. Power was given to the King to add to the list of free ports.

An Act of the same session (3 G. 4, c. 119,) permits certain goods of the United States to be imported by land into Canada, and permits goods to be exported thence to the United States.

The present freedom of trade was not conceded to the colonies till 1825.

## II. TRADE WITH ASIA, AFRICA, AND AMERICA.

### Law in 1660.

#### Rule 1st.

"No goods or commodities whatsoever, of the growth, production or manufacture of Africa, Asia, or America, or of any part thereof, or which are described or laid down in the usual maps or cards of those places [shall] be imported into England, Ireland, Wales, islands of Guernsey and Jersey, or town of Berwick-upon-Tweed, in any other ship or ships,

### Law in 1847.

#### Rule 1st.

"Goods, the produce of Asia, Africa, or America, shall not be imported into the United Kingdom, to be used therein, in foreign ships, unless they be the ships of the country in Asia, Africa, or America, of which the goods are the produce, and from which they are imported, except the goods hereinafter mentioned ; (that is to say,) .

vessel or vessels whatsoever, but in such as do truly and without fraud belong only to the people of England or Ireland, dominion of Wales, or town of Berwick-upon-Tweed, or of the lands, islands, plantations, or territories in Asia, Africa, or America, to His Majesty belonging, as the proprietors and right owners thereof, and whereof the master and three-fourths at least of the mariners are English."—(12 Car. 2, c. 18, s. 3.)

Rule 2nd.

"No goods or commodities that are of foreign growth, production, or manufacture, and which are to be brought into England, Ireland, Wales, the islands of Guernsey and Jersey, or town of Berwick-upon-Tweed, in English-built shipping, or other shipping belonging to some of the aforesaid places, and navigated by English mariners as aforesaid, shall be shipped or brought from any other place or places, country or countries, but only from those of the said growth, production, or manufacture, or from those ports where the said goods and commodities can only, or are, or usually have been, first shipped for transportation, and from none other places or countries."—(12 Car. 2, c. 18, s. 4.)

*N.B.*—But the Act is "not to restrain and prohibit the importation of any of the commodities of the Straights or Levant Seas, laden in English-built shipping, and whereof the master and three-fourths of the mariners at least are English, from the usual ports

1. "Goods, the produce of the dominions of the Grand Seignior in Asia or Africa, which may be imported from his dominions in Europe in ships of his dominions :

2. "Raw silk and mohair yarn, the produce of Asia, which may be imported from the dominions of the Grand Seignior in the Levant Seas in ships of his dominions :

3. "Bullion :

"Provided always, that in case any treaty shall be made with any country having a port or ports within the Straits of Gibraltar, stipulating that such productions of Asia or Africa as may by law be imported into the United Kingdom from places in Europe within the Straits of Gibraltar in British ships, [see next rule] shall also be imported from the ports of such country in the ships of such country, then, and in every such case, it shall be lawful to import such goods from the ports of such country in the ships of such country."—(8 & 9 Vict. c. 88, s. 4.)

*N.B.*—But such goods, not being otherwise prohibited, may be warehoused for exportation.

Rule 2nd.

"Goods, the produce of Asia, Africa, or America, shall not be imported from Europe into the United Kingdom to be used therein, except the goods here-

or places for lading of them heretofore within the said Straights or Levant Seas, though the said commodities be not of the very growth of the said places.”—(s. 12.)

*N.B. 2.*—Nor is it to restrain “the importing of any East India commodities loaden in English-built shipping, and whereof the master and three-fourths of the mariners at least are English, from the usual place or places for lading of them in any part of those seas to the southward and eastward of Cabo bona Esperanzo, although the said ports be not the very places of their growth.”—(s. 13.)

*N.B. 3.*—It is lawful for “the people of England, Ireland, Wales, islands of Guernsey or Jersey, or town of Berwick-upon-Tweed, in vessels or ships to them belonging, and whereof the master and three-fourths of the mariners at least are English, to load and bring in from any of the ports of Spain or Portugal, or Western Islands, commonly called Azores, or Madeira, or Canary Islands, all sorts of goods or commodities of the growth, production, or manufacture of the plantations or dominions of either of them respectively.”—(s. 14.)

*N.B. 4.*—The Act does not extend to “bullion, nor yet to any goods taken by way of reprisal by any ship or ships belonging to England, Ireland, or

inafter mentioned; (that is to say,)

“Goods, the produce of the dominions of the Emperor of Morocco, which may be imported from places in Europe within the Straits of Gibraltar :

“Goods, the produce of Asia or Africa, which [(having been brought into places in Europe within the Straits of Gibraltar, from or through places in Asia or Africa within those Straits, and not by way of the Atlantic Ocean) may be imported from places in Europe within the Straits of Gibraltar :

“Goods, the produce of places within the limits of the East India Company’s charter, which (having been imported from those places into Gibraltar or Malta in [British ships) may be imported from Gibraltar or Malta :

“Goods taken by way of reprisal by British ships :

“Bullion, diamonds, pearls, rubies, emeralds, and other jewels or precious stones.”  
—(8 & 9 Vict. c. 88, s. 3.)

*N.B.*—The Lords of the Treasury may permit “any goods the produce of the British possessions or fisheries in North America, which shall have been legally imported into the islands of Guernsey or Jersey direct from such possessions, to be imported

Wales, islands of Guernsey or Jersey, or town of Berwick-upon-Tweed, and whereof the master and three-fourths of the mariners at least are English, having commission from His Majesty, his heirs or successors."—(s. 15.)

into the United Kingdom for home use direct from those islands, under such regulations as [they] shall direct."—8 & 9 Vict. c. 86, s. 44.)

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#### INTERMEDIATE HISTORY OF THE LAW.

The two principles laid down with regard to the trade with Asia, Africa, and America, viz., that all importations from those quarters should be in British ships, and that they should be from the place of the origin of the goods, are still maintained to a certain extent: that is to say, the produce of those quarters can only be imported in British ships, or in ships of the country of origin, being also the country of export; and no such produce can be imported in an unmanufactured state from any part of Europe.

The first decided infringement of the former principle, that of confining the trade to British ships, took place upon the conclusion of the treaty of 1796 with the United States of America, the effect of which, as carried out by the Act 37 G. 3, c. 97, has been already noticed in the note on the United States trade. Vessels of the United States were thereby permitted to bring the produce of their own country (not being such as was generally prohibited) directly to Great Britain. [The provisions of this Act were re-enacted by 41 G. 3, c. 95, in order to extend the same right of commercial intercourse to Ireland.] An additional duty of £10. per cent. was charged upon certain articles, when imported in American vessels, over and above the duty payable on them when imported in British vessels; but by a subsequent Act (42 G. 3, c. 27) power was given to the King to suspend those duties by Order in Council, the intention being simply to countervail the differential duties imposed by the Americans on goods imported in British ships.

In 1808 the same privilege which had been granted to the United States was extended to the inhabitants of the Portuguese possessions in South America by the Act 48 G. 3, c. 11, which allowed the produce of those territories (not being of a nature generally prohibited to be imported from foreign countries) to be imported thence into Great Britain and Ireland in vessels built in those territories, or made prize by Portuguese ships, and owned and navigated by Portuguese subjects resident in the said territories. After the conclusion

of our treaty with Portugal in 1810, this Act was repealed, and the Act 51 G. 3, c. 47, substituted for it, which extended the above facilities to all Portuguese-built vessels or prizes, owned and navigated by Portuguese subjects, without requiring that they should be residents in America.

On the revision of the Customs' Laws in 1822, the principle that the produce of Asia, Africa, and America should only be imported for consumption in British ships, was still maintained, but the above exceptions in favour of the United States and Portuguese colonies were preserved, and were also extended (3 G. 4, c. 43, s. 3,) to countries in America or the West Indies, being, or having been, under the dominion of Spain.

The existing rule was established at the Consolidation of 1825.

As respects the principle that the produce of Asia, Africa, and America was only to be imported into this country from the place of its origin, it will be remarked, first, that the old law recognised the doctrine now explicitly laid down in the 5th section of the Navigation Act, that goods manufactured in any country should be held to be the produce of that country, even though made from materials produced elsewhere. Not long afterwards, however, this doctrine was abandoned in the case of thrown silk, the object being to discourage the silk throwing of Italy, which was injurious to our own manufactures. By 2 W. & M. c. 9, Asiatic silk thrown in Italy or elsewhere is not to be deemed a manufacture of the country where thrown, and its importation, except from the place of its growth, is consequently prohibited. By the same Act the importation of thrown silk from all countries except Italy and Sicily, is altogether prohibited. But by 19 G. 3, c. 48, this, which was at first merely an exception applicable to a particular case, became a general rule: it was thereby enacted, that the produce of Asia, Africa, and America, manufactured in any foreign country, should not be imported into Great Britain, unless manufactured in the country of its growth, or in the place whence such goods can only be, or are, first shipped. The prohibition was not to extend to the case of certain oils, nor to that of commodities of which the importation is permitted by Acts passed subsequently to the Navigation Law. This rule was maintained until the Consolidation of 1825, when the present one was substituted, by 6 G. 4, c. 109, s. 5.

By the Act 7 Ann, c. 8, it was made lawful to import drugs, the produce of America, from any British possession, and at the same rate of duty as if imported direct, and conversely, by 22 G. 3, c. 28, it was afterwards made legal to import tobacco of the British plantations from any country in America in amity with His Majesty. The importation of cochineal and indigo was permitted from any place in British ships, or ships of countries in amity with us, by the Acts 13 G. 1, c. 15, and 7 G. 2, c. 18, respectively; and the importation of

several articles,—gum Senegal, coarse calicoes for the African trade, cotton wool, goat skins, &c.,—from any place, was permitted by the Acts 25 G. 2, c. 32; 5 G. 3, c. 30; 5 G. 3, c. 52, s. 20; and 15 G. 3, c. 25, ss. 1, 2.

By the Act 14 G. 2, c. 36, the Russia Company were allowed to import in British shipping from any Russian ports, any commodities of the growth of Persia, purchased by barter with woollen or other commodities (but not with gold or silver, either in coin or bullion), exported from Great Britain to Russia, and thence carried into Persia, or with the produce arising from the sale thereof. By a subsequent Act, 23 G. 2, c. 34, the necessity for carrying the British goods, or the produce arising from their sale, into Persia, was done away, and it was made legal to import Persian goods purchased in Russia.

By 20 G. 3, c. 45, the Turkey Company were allowed to import any goods which had theretofore been usually imported from the Turkish dominions within the Levant seas, from any port or place whatsoever, and either in British ships or in ships of countries in amity with us and navigated by foreign seamen; subject, however, to the payment of aliens' duty if the ships were of foreign build. By 37 G. 3, c. 84, the privilege of importing Levant goods from any place and in any ships of countries in amity was made general for a limited time; but this was one of a great number of Acts passed during time of war, relaxing the Navigation Laws in particular points when they could not be strictly carried out, which it is perhaps, unnecessary minutely to describe. The following statutes may be referred to as instances of such relaxation:—39 G. 3, c. 95; 39 & 40 G. 3, c. 34; 41 G. 3, c. 97; 42 G. 3, c. 95, s. 9; 45 G. 3, c. 34.

By the Act 27 G. 3, c. 19, s. 11, it was made lawful to import into this country from Gibraltar in British ships, the produce of Morocco imported into Gibraltar from places not lying to the southward of Mogadore; and see 3 G. 4, c. 43, s. 9.

The Act 7 G. 1, st. 1, c. 21, provided that no goods the produce of places within the limits of the East India Company's charter should be imported into Ireland, the Channel Islands, or the British possessions in Africa or America, except from Great Britain. This rule continued in force (except as regards Ireland) till the Consolidation of 1825.

By 33 G. 3, c. 63, it was made lawful to import the produce of places in Asia, Africa, or America, not being within the limits of the Company's charter, into Great Britain from Ireland.

The sections in the Act of 1822, 3 G. 4, c. 43, which relate to this portion of the subject, are the 2nd, the 8th and the 9th. They prescribe pretty much the same regulations as those which at present exist; that is to say, the 2nd section limits the restriction as to the places whence the produce of Asia, Africa, and America may be brought, to a prohibition against importing it from Europe; and the

8th and 9th sections establish the exceptions as to the dominions of the Grand Seignior, &c. very nearly in the same terms as the exceptions in the present law.

#### NOTE ON THE EAST INDIA TRADE.

The trade with the East Indies has always been treated as exceptional. The exclusive right of trading within certain limits long enjoyed by the Company, and the peculiar nature of the Company's jurisdiction, have no doubt contributed to render it so.

The two points most worthy of notice are, 1st, the concession of the rights of British ships to ships not fulfilling all the usual requisites of the law; and 2nd, the admission of certain foreign ships to an equality in some respects with British ships.

On the first point reference should be made to the statute 21 G. 2, c. 65, s. 33, which provided that ships belonging to the East India Company should be held to be British-owned, although the stock of the Company was held by a considerable proportion of foreigners.

The next important statute is 35 G. 3, c. 115, (continued by 42 G. 3, c. 20,) which allows to ships, built within the territories of the Company, or in places in the East Indies under British protection, and owned by the Company, the privileges of British ships in trade with India, though such ships be not British-built or duly registered. When the exclusive privileges of the Company were broken in upon (by 53 G. 3, c. 155) the same privilege was allowed to be extended to similarly circumstanced vessels, the property of private individuals, by Order in Council (s. 30). This privilege was continued by 54 G. 3, c. 35. But by 53 G. 3, c. 116, the registry laws of this country were extended to India, and from that time nothing but British-built ships were to be entitled to the privileges of British vessels. Exceptions were made as to ships under 350 tons burden, and also as to ships the property of British subjects, and built or building before 1st January, 1816; but these classes of ships were only to be employed in trade within the limits of the Company's charter.

This Act was repealed by the statutes 4 G. 4, c. 41, and 4 G. 4, s. 80, which extended the British law of registry to India without any exception. But by 6 G. 4, c. 110, provision was again made for the trade of ships built prior to 1816, and having continued in the possession of British owners ever since; and by a subsequent Act, (3 & 4 Vict., c. 56), which is still in force, the Governor-General in Council has power to declare all ships built within the limits of the charter, and owned by Her Majesty's subjects for whom he has the power to legislate, to be entitled to the privileges of British ships within those limits. By the fourth section of the same Act the Governor-General has the power of conferring the same privileges

on ships belonging to states in subordinate alliance, or having subsidiary treaties with the East India Company.

With regard to the navigation of East India ships, it is sufficient to notice that by the 20th sec. of 4 G. 4, c. 80 (still in force), as well as by the sec. of the Navigation Act, Lascars and other natives of Asia are not to be deemed British seamen. But, by sec. 21 of the above-mentioned Act, any number of Lascars may be employed, provided only that there be four British seamen to every hundred tons of the vessel's burden; and by sec. 23, it appears that British seamen need not be employed in certain voyages within the limits of the charter.

On the subject of the privileges granted to the vessels of foreign countries in the trade with India, reference must be made to the Act 37 G. 3, c. 117 (still in force, or at least still unrepealed), which authorizes the Directors of the East India Company, subject to the approval of the Board of Control, to make such regulations as they think fit, with respect to the trade to be carried on in ships of countries in amity with Her Majesty.

Notice should also be taken of the Act 59 G. 3, c. 54, s. 6, permitting vessels of the United States to clear out from this country for the principal British settlements in the East Indies, which Act is still in force, and is further extended by 8 & 9 Vict., c. 90, s. 9. And reference must also be made to the fourth section of the Act 3 & 4 Vict., c. 56, above quoted.

See also 41 G. 3, c. 37, which allowed rice and other grain to be imported into this country from India, in the ships of any country in amity, however navigated.

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### III. TRADE WITH EUROPE.

#### Law in 1660.

"No goods or commodities of the growth, production, or manufacture of Muscovy, or of any of the countries, dominions, or territories to the Great Duke or Emperor of Muscovy or Russia belonging; also no sort of masts, timber, or boards, no foreign salt, pitch, tar, rosin, hemp or flax, raisins, figs, prunes, olive oils, no sorts of corn or grain, sugar, pot-ashes, wines, vinegar, or spirits, called aqua-vitæ, or

#### Law in 1847.

"The several sorts of goods hereinafter enumerated, being the produce of Europe, (that is to say) masts, timber, boards, tar, tallow, hemp, flax, currants, raisins, figs, prunes, olive oil, corn or grain, wine, brandy, tobacco, wool, shumac, madders, madder roots, barilla, brimstone, bark of oak, cork, oranges, lemons, linseed, rapeseed, and cloverseed, shall not be imported into the United Kingdom to be



brandy-wine, shall be imported into England, Ireland, Wales, or town of Berwick-upon-Tweed, in any ship or ships, vessel or vessels whatsoever, but in such as do truly and without fraud belong to the people thereof, or some of them, as the true owners and proprietors thereof, and whereof the master and three-fourths of the mariners at least are English: and no currants nor commodities of the growth, production, or manufacture of any of the countries, islands, dominions, or territories to the Ottoman or Turkish empire belonging, shall be imported into any of the aforementioned places in any ship or vessel but which is of English build, and navigated as aforesaid, and in no other, *except only such foreign ships and vessels as are of the build of that country or place of which the said goods are the growth, production, or manufacture respectively, or of such port where the said goods can only be, or most usually are, first shipped for transportation, and whereof the master and three-fourths of the mariners at least are of the said country or place.*"—(12 Car. 2, c. 18, s. 8.)

*N.B.*—The exception which is placed in italics was held to apply to the whole clause, and not to Turkish goods only.

*N.B. 2.*—See also the 2nd rule relating to the trade with Asia, Africa, and America, and the 1st and 4th notes thereon, all which partially apply to the European trade likewise.

used therein, except in British ships, or in ships of the country of which the goods are the produce, or in ships of the country from which the goods are imported."—(8 & 9 Vict., c. 88, s. 2.)

*N.B.*—But such goods, not being otherwise prohibited, may be warehoused for exportation, though brought in other ships."—*Ib.* s. 22.)

*N.B. 2.*—Her Majesty may allow ports to be used as national ports by the ships of countries, within the dominions of which the ports do not lie, but for the exportation of the produce of which they are convenient outlets."—(See 3 & 4 Vict., c. 95.)

## INTERMEDIATE HISTORY OF THE LAW.

The rule established by the Navigation Act relative to the European trade, was considered unsatisfactory for two reasons: first, because it permitted British ships to import European goods from any part of Europe, though they were not of the growth or produce of that part, and, consequently, enabled our Dutch rivals to collect all manner of articles in their ports, and thence to send them over to this country, thus competing with us in the longer part of the voyage, and being excluded only from the shorter part; secondly, because it enabled them to do the same with respect to goods from the plantations, provided they subjected them to some manufacturing process so as to give them a Dutch character. To prevent these evasions of the spirit of the law, it was enacted by the Statute of Frauds (13 & 14 Car. 2, c. 11, s. 23), that no sort of wines, other than Rhenish, no sort of spicery, grocery, tobacco, potashes, pitch, tar, salt, rosin, deal boards, fir timber, or olive oil, should be imported into England, Wales, or Berwick, from the Netherlands or Germany, in any sort of ships or vessels whatsoever.

The following are the several instances in which this rule was subsequently relaxed; by 1 Ann, stat. 1, c. 12, s. 112, it was made lawful to import from Hamburgh wines the produce of Hungary; by 6 G. 1, c. 15, certain descriptions of German timber may be imported in British ships from German ports; by 22 G. 3, c. 78, drugs, wines, and thrown silk, of Hungary and Germany, may be imported from the Austrian Netherlands, or from any port of Germany, as from the place of their production; by 27 G. 3, c. 13, s. 22, it was made lawful to import French wines and olive oil from the French dominions in the Netherlands; by 56 G. 3, c. 37, prunes, the produce of Germany, may be imported into this country.

Some embarrassing questions having from time to time arisen as to the right of importing the produce of particular European states, in ships built in countries incorporated into those states subsequent to the passing of the Navigation Act; for instance, a question whether Prussian produce might be imported in ships built in East Friesland; it was enacted by 22 G. 3, c. 78, that the enumerated articles might be imported in ships the property of subjects under the same sovereign as the country of which such goods were the produce, although the country or place where such ship was built, or to which she belongs, was not under the dominion of such sovereign at the time of passing the Act of Navigation. It will be observed that this statute not only effected its immediate purpose of putting all the dominions of and sovereign on the footing of one country for the purposes of the Navigation Law, but also extended the right of importing, originally confined to ships "built in" the country of

export, to ships "belonging to" such country. This, which appears to have been an act of inadvertence on the part of the framers of the statute, was rectified by the Act 27 G. 3, c. 19, s. 10, which provided that the enumerated articles should only be imported in British ships [see note (A.) as to the effect of this statute], or in ships "the build of any country or place in Europe belonging to, or under the dominion of the sovereign or state in Europe of which such goods or commodities are the growth, production, or manufacture, or of such ports where those goods can only be, or most usually are, first shipped for transportation." This Act was among those repealed in 1822, and for the next three years there seems to have been no provision in the law analogous to it; but on the Consolidation of 1825, the proviso was introduced into the Navigation Act, which is still retained, "that the country of every ship shall be deemed to include all places which are under the same dominion as the place to which such ship belongs."—(6 G. 4, c. 109, s. 15.)

The Act of 1822 (3 G. 4, c. 43, s. 6) made an important alteration in the law, by allowing importations of the enumerated goods to be made either in ships of the country of which the goods are the produce, or in ships of the country from which the goods are imported. At the same time the prohibitions against the importation of articles from the Netherlands, Germany, Turkey, and Russia, were taken off. The grounds of these important modifications of our navigation system are stated in Mr. Huskisson's speech in the House of Commons, on the 12th May, 1826.

By 1822, tallow and tobacco had been added to the list of enumerated articles; since that time wool, shumac, madder, barilla, brimstone, bark, cork, oranges, lemons, linseed, rapeseed, and cloverseed, have also been added; while salt, pitch, rosin, potashes, wine, and sugar, have been struck out.

The only alteration of any consequence that has been made in the European trade, since the consolidation of 1825, is that effected by the Act 3 & 4 Vict., c. 95, noticed in the summary of the existing law, which was passed in 1840, in order to carry out the stipulation of the Austrian treaty of 1838, that Austrian vessels should be allowed to import Turkish produce from the mouth of the Danube.

## IV. THE COASTING TRADE.

## Law in 1660.

"It shall not be lawful for any person or persons whatsoever to load or cause to be loaden, and carried in any bottom or bottoms, ship or ships, vessel or vessels whatsoever, whereof any stranger or strangers born (unless such as shall be denizens or naturalized) be owners, part owners, or master, and whereof three-fourths of the mariners at least shall not be English, any fish, victual, wares, goods, commodities, or things, of what kind or nature soever the same shall be, from one port or creek of England, Ireland, Wales, Islands of Guernsey or Jersey, or town of Berwick-upon-Tweed, to another port or creek of the same, or of any of them."—(12 Car. 2, c. 18, s. 6.)

## Law in 1847.

"No goods or passengers shall be carried coastwise from one part of the United Kingdom to another, or from the United Kingdom to the Isle of Man, or from the Isle of Man to the United Kingdom, except in British ships."—(8 & 9 Vict., c. 88, s. 8.)

## INTERMEDIATE HISTORY OF THE LAW.

It will be observed that the Navigation Act does not prevent foreign-built vessels from engaging in the coasting trade. The prohibition extends only to such as are foreign owned. By the Act 1 Jac. 2, c. 18, an extra duty of 5s. per ton for every voyage, was laid upon all foreign-built ships engaged in this trade. Subsequently, by 34 G. 3, c. 68 (extended to Irish ships by 42 G. 3, c. 61), it was enacted, that vessels engaged in the coasting trade should be wholly navigated by British subjects, and this provision is still in force by virtue of the definition of a British ship, given in the 12th section of the Act 8 & 9 Vict., c. 88. The absolute restriction of the coasting trade to British-built ships was not introduced till the Consolidation in 1825.

The trade with the Isle of Man was put on the footing of a coasting trade in 1844.

## NOTE (A.)—BRITISH SHIPS.

Though it may be generally stated that the Navigation Laws give a preference to "British ships," there is an ambiguity in the phrase which renders further explanation necessary.

Under the existing law (8 & 9 Vict., c. 88, s. 13), no vessel is admitted to be a British ship unless registered as such, and navigated by a British master, and by mariners of whom three-fourths are British subjects, and no ship can be registered as British unless she be owned by British subjects, and be of the build of a part of the British dominions; so that there are now three elements in the idea of a British vessel, the ownership, the build, and the navigation.

But in some of the early statutes these three elements were not all required, particularly in the Act of Navigation, which generally takes no notice of the build of the vessels in which the importations and exportations are to be carried on. In going through its provisions, it will be observed that—

1. The plantation trade is confined to the two following classes of ships :

(a.) Ships owned by the people of England, Ireland, &c., and

(b.) Ships built in the plantations, and owned by the people thereof :

It being in both cases required that the ship should be navigated by English.

2. The trade between this country and Asia, Africa, and America, is confined to ships owned by people of England, &c., or of the British possessions, duly navigated by English; nothing being said about the country in which the ships are built.

3. The European trade is confined—

(a.) So far as relates to Russian goods, and the bulk of the enumerated articles, to ships owned by people of England, &c., and duly navigated, or to ships of the country of export.

(b.) So far as relates to currants and Turkish goods, to ships English-built and navigated, or to ships of the country of export.

4. The coasting trade is confined to English-owned and English-navigated vessels.

5. In importations of fish, double aliens' duties are charged on fish caught in other than English-owned vessels.

It will therefore be evident, that out of seven provisions only two have any reference to the build of vessels, while of those two, one (3. b.) has no reference to their ownership.

On further examination of the Navigation Act, it will be seen that exceptions from its general rules are in two instances (Levant

goods and East India goods), made in favour of certain importations in English-built shipping; while in two other instances (Spanish and Portuguese colonial goods, and bullion and prize goods), they are in favour of importations in English-owned shipping.

Lastly, provision is made, in the 10th and 11th sections of the Act, for the prevention of frauds in the purchase of foreign-built ships, and for securing that such ships shall be wholly owned by English before they can avail themselves of the privileges which the Act confers on English-owned ships.

Thus far the Act of Navigation. The Statute of Frauds (13 & 14 Car. 2, c. 11) enacts (sec. 6, par. 2) that no foreign-built ship (that is to say, not built in [England, &c. or] any of His Majesty's dominions in Asia, Africa, or America) except ships purchased before a given day, and except prize ships, "shall enjoy the privilege of a ship belonging to England or Ireland, although owned or manned by English," "but all such ships shall be deemed as aliens' ships, and be liable unto all duties that aliens' ships are liable unto," &c. The former of the two passages placed within inverted commas, would, if it stood alone, appear to require that all English-owned ships should, in order to obtain a right to the privileges conceded to them by the Act of Navigation, be also British-built, but it seems that the second passage restrains its application to the case of duties, which are higher on aliens' ships than on British ships.

By a subsequent Act (15 Car. 2, c. 7, s. 6) no goods from Europe are to be imported into the British possessions except in English-built shipping; and see sec. 8 of the same Act. And by the Plantation Act (7 & 8 Will. 3, c. 22, s. 2), all importations into, and exportations from the possessions, must be in English-owned, English-built, and English-navigated vessels.

Prize ships, however, if British-owned, are and always have been entitled to the privileges of British vessels.

It may be noticed here, that the system of registering vessels is first prescribed in the Act of 7 & 8 Will. 3.

In 1786, an Act was passed (26 G. 3, c. 60), by which it was provided, that for the future no ships should be entitled to the privileges of British ships, but such as were British-built as well as British-owned and navigated. Exceptions were made in favour of foreign ships built before May, 1786, and belonging at that date to English owners. These might still engage in all such voyages as were previously open to British-owned ships not necessarily of British build. From the time that these ships of 1786 and older date became worn out, the term "British ship" acquired the sense in which it is now used, except as regards the coasting trade, for which a further provision has been made, in respect of the composition of the crew, as stated under the head "Coasting Trade."

It is also necessary to notice the effect of some clauses in the Act 34 G. 3, c. 68, which provide that no ship, registered or required to be registered as a British ship, shall import or export any articles whatsoever unless it be duly navigated by British subjects. This places a restriction, previously unknown, upon the export trade of this country to foreign parts, and upon the import from Europe of other articles than those enumerated in the Act of Navigation. The Act further provides, that no such ship or vessel shall be navigated at all but by a master, and three-fourths at least of the mariners, British subjects. The corresponding provision in the present Act of Navigation is, that no British ship may depart from a British or colonial port unless duly navigated (sec. 19).

OPINION OF THE HEAD MASTER OF THE NAVIGATION SCHOOL OF HAM-  
BURGH, AS TO THE EDUCATION OF SEAMEN AND EXAMINATION OF CAP-  
TAINS AND MASTERS IN THE MERCHANT SERVICE.

(Paper handed in to the Committee by Mr. Swaine.)

It is desirable that the masters and mates in the merchant service should not only be experienced seamen, well skilled in manœuvring and the stowage of their ships, but also thoroughly versed in the theory of navigation, which cannot be obtained without a sufficient foundation of mathematical and astronomical knowledge. It is, moreover, expected that they shall be acquainted with the language of the port they are bound to, and be able to correspond with their owners. The first point, however, which (for a sailing vessel at least) may be considered as the *sine qua non*, renders it necessary (hitherto) that the apprentices shall begin their career from their 16th year, and not be from that time deprived of the advantage of a literary education and even of a civilized conversation. This forms an almost insurmountable obstacle to the attainment of the other qualifications, unless their masters and mates are possessed of them, and undertake the meritorious task of superintending the education of the apprentices; but the greater part of skippers are neither fit nor inclined to do so. It is therefore recommended to establish schools for young mariners in different ports of England, to which they should be compelled to resort after every return from sea, in lieu of being kept to do menial offices for their masters, as cleaning boots and shoes for his family, attending the kitchen, and serving as errand boys for not always the most moral purposes. Their own interest should induce merchants and shipowners to support by voluntary contributions such schools, for which also part of the premium of the indentures could be deposited. Mathematics, navigation, and geography should form the principal subjects of instruction. It may be here sufficient to remark that after laying a good mathematical foundation, without which nothing perfect can be expected, little more is left to be done. The necessity of frequent repetitions of his studies cannot be too earnestly impressed upon a young sea officer, nor can the superficial preparation for the passing of his examen be too severely reprehended. By the more interested than laudable endeavours of scientific tradesmen to lay mechanical rules down for the art of navigation, ignorant men can, without knowing what they do, go through the routine of part of their profession. But as no rule can be given that is without exception, the ship and the lives of the crew, which no underwriter can repay, are left to the protection of Providence



when the master is put to his wits' ends. Gales that never blew, and sunk rocks that do not exist, are then made answerable for his want of skill, wherein he is further indulged by the improvement of chronometers, that, however useful in other hands, are as apt to mislead ignorant masters. Thus it has become the fate of a most honourable profession to be monopolized by uncultivated men, and to sink from the high degree of estimation in which it was held when considered as inseparable from astronomical knowledge, into a state of disrepute; so that many a captain who feels himself unqualified to mix with respectable company, and upon whose hands leisure time hangs heavy, either sinks still lower, or becomes dissatisfied with a mode of living that would afford to persons of previous education a most desirable opportunity of improving their minds, and gaining in distant parts of the world that information which is in vain wished for by many an intelligent man who cannot leave his native home. The numerous melancholy accidents that have only lately occurred at sea, the frequent losses of lives of passengers and unfortunate emigrants to another world than what they shipped for, must at last open the eyes of the owners, and silence the silly phrases, as "our captains" (who by the way can only work their dead reckoning, as it is significantly called) "are competent men," or "our ships have fared well enough so long." For, setting aside that masters could make much shorter voyages if they placed that confidence in their profession which theory only can give, the second part proves untrue, and the non-survivors cannot reveal the nautical blunders by which many a ship has been lost. It becomes therefore also, in a philanthropic view, a duty of Government to inspect the competency of the masters of merchant vessels, which can only be done by an examination. But the object of this examination should not be frustrated by the mercenary officiousness of professed preparers, who undertake the drilling of uneducated mates, so as to enable them in a month or two to answer a list of questions and work a set of examples that had been given on previous occasions. This is an imposition which is, however, easily remedied, by demanding at the examination the theoretical demonstrations of the problems which, for very good reasons, the teacher could not instil into his pupil, who is perhaps also not liberally endowed by nature. Besides, the former generally neglect to teach the latter how to make those observations which he is called upon to "work," as it is not improperly styled, not to mention the scarcity of opportunities of observing lunar distances within so short a period. Hence follows the necessity of schools at different ports, to which all young mariners should be admitted after each return from sea, so as to allow practical experience and theoretical knowledge to go hand in hand. This affords them an opportunity to make at sea application of, and to reflect on, that which they have learned at home, and to find out their deficiencies on certain points

whereof they can after their return to school demand explanation, and work there the observations which they have made on board. Captains who encourage their apprentices in making observations, and cause them to work them, should be recommended for so doing; besides which, their benevolent attention rewards itself by the progresses which their pupils make, who thereby can become valuable assistants to them. Owners who add to the inventory of the ship an octant or a sextant, would by so doing only promote their own interest. The objection of some masters against the examining of old experienced sailors by persons who have never been at sea, and cannot sufficiently judge of the practicability of methods on shipboard, however well founded on theory, and questioning them in matters that are of no use to a seaman, would be avoided by a forbearing discretion on the side of the examiner, who will not require a great discernment to see through his man; beside which there can be no want of theoretically-informed seamen to act as examiners. There might, however, another objection be made: young men who have had the advantage of a good education, and have only at an advanced age "bore away" for a sea life, in fact land-lubbers, are likely to obtain, in theoretical respects at least, the best certificates. This would, however, be remedied by admitting no seaman to an examination as mate without a certificate of sufficient servitude, and no one to an examination as master without a certificate of having served as mate. When these regulations have been in force for some time, mates and captains will find that they are only in favour of their own interest, as persons without the necessary qualifications are thereby excluded from competition with them. It can, finally, not fail, that under such auspices the mariner's profession will rise in estimation by the officers themselves who do credit to their station.

(Signed)

C. RÜMKE.

*Hamburgh, 6th April, 1847.*

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LETTER OF CAPT. ROBERT COGAN, I.N., AS TO SHIPS OF INDIAN BUILD,  
AND LASCAR SEAMEN.

*Hammersmith, 1st October, 1847.*

DEAR SIR,—Agreeably with your request, I have no hesitation in tendering you my opinion on the subject of our Indian-built ships, and the efficiency of our British Indian seamen for the purposes of general navigation; so far as they have come under my experience of nearly thirty years.

As respects Indian-built ships, when their entire frame and planking is of teak, I believe there is no experienced seaman or shipbuilder who will not pronounce them superior to any other description of vessel in the world ; and if they be honestly put together, of seasoned teak timber, who will not consider them of double the value of ships built of other material. The cause of this superiority is, from the extraordinary fact that teak, instead of containing (like most other woods) an acid substance, injurious, if not destructive to metals, possesses an oil which is a preservative against corrosion, particularly iron. This oily property is also a powerful agent against the action of water, as exhibited in the teak framework of certain exposed caves on the Island of Salsette, where it has continued for a period of which Europeans have no tradition. I have inspected iron bolts, taken from the bottom of a 12-gun brig, where they had been for upwards of forty-seven years, and found them perfectly sound, and as free from corrosion as the day they were driven in ! Again, as a striking illustration of the superiority of Indian-built vessels, I would notice that one of the first ships I belonged to in the Indian navy was a 20-gun sloop, called the *Mornington* ; she was sold from the service in 1816, and was then about twenty years old ; and from that period up to the present day she has been constantly employed between London, Madras, and Calcutta ; and, although comparatively small, is yet considered one of the crack vessels of that trade ; which character (from a recent inspection of her timbers) I am quite sure she may sustain for the next twenty or thirty years ! Hence, what must have been the original value of this vessel, which has been constantly employed since the day she was launched (now upwards of half a century).

It is alleged that shipbuilding is much more costly in India than in England, which I believe to be a mistake, if applied to good substantial vessels. From my own experience of four years' control of the Dock-yards, and Government building establishment at Bombay, I do not hesitate to say that merchant vessels could be built at a cost of from £18. to £20. per ton, provided that the parties building would give proper attention to their own interests. The cost of vessels built for the Royal Navy, at Bombay, should not be regarded as any criterion to the merchant.

But as regards the value, and in every respect the superiority of Indian-built vessels, it is only to refer to our Royal Navy, in which there are numerous Indian-built vessels of every class, and some that have borne the test of forty years' employment. From the records of that navy you will ascertain that the expense of the repairs of Indian built vessels, when employed *within the tropics*, does not amount to one-half the sum required to be expended upon English-built vessels so employed. Had vessels for the Royal Navy been built by contract in India, as they are occasionally in England, it would have increased

the number of those valuable ships in the Royal Navy, and thereby have been great advantage to the service, and saving of expense to the State, independently of encouraging ship-building in a quarter, where it is alike just and politic that our British-Indian subjects should be employed.

The Act of our Legislature, which deprived the British-Indian sailors of the rights of a British seaman, was alike unjust and impolitic; its effect being daily more apparent and lamentable. It appears to me a most unaccountable measure, that must have crept into our statutes through the influence and ignorance of the ship-owners of Great Britain. It will be needless entering into the value or merits of that very useful class of British subjects, beyond noticing that during the infancy of British power in India, a vessel of the Bombay marine, *commanded* and navigated by Indian seamen, has been known to beat off a French privateer of superior force, and, through the most consummate seamanship and stratagem of her native commander, escaped from the enemy when entrusted with the conveyance of a large investment of specie.

Let me, also, call your attention to that branch of our shipping usually called "country service," which for the last century had been the pride of the ports and harbours throughout India—not only from the splendid appearance of the ships, but from the remarkable *esprit de corps* which pervades their officers and crews, who frequently (at times with success) evinced their efficiency by competing with the Royal and Indian Navies, in all nautical evolutions, whether in harbour or at sea. This service, consisting of some hundreds of the finest merchant men in the world, of from 1500 to 3000 tons, was entirely petty officered and manned by Indian sailors, the commander and three or four subordinate officers, being the only Europeans employed in each ship; and it is but justice to the latter to remark that a superior body of men, in that calling, never existed; not only from their professional efficiency, but from a course of honest integrity in their intercourse and dealings with the Eastern world, which tended not only to soothe and consolidate the progress of British power, but to give confidence and preference to British commerce.

It was, however, the abolition of the East India Company's commercial monopoly in 1814, that decided the fate of the Indian sailor; for, previously to that period, he enjoyed the uninterrupted navigation of all the seas East of the Cape; having no competitor except the shipping of the East India Company, whose regular routine of commerce but little interfered with the local trade of India; but when the great empire was thrown open to the shipping interest of Great Britain, and when the Indian Lascar felt himself excluded from competing in the trade with Europe, he naturally became discontented and demoralized by the operation of so unjust a law; the consequence has been, that the Lascars of the present day are gene-

rally persons who have been driven, from want, to an avocation in which they are, by the laws of England, branded as inferior beings, and are now considered thirty per cent. inferior to those of their order before 1814. Whereas, if they had fair competition with their European brethren, India would have retained her nursery for seamen, not only useful for purposes of commerce, but in time of need might have strengthened (remote from the mother country) that arm of power upon which the greatness of England so much depends.

In conclusion, I will merely notice, in justice to Lascars, that in the year 1836 I arrived in the English Channel in command of a 74-gun ship, as a present from the Imaum of Muscat to his late Majesty. The crew consisted of two hundred Lascars and about twenty-five European seamen. On the 19th of February, when some distance up the British Channel, we encountered, for two days, one of the most severe gales I had ever experienced; it commenced suddenly with the wind from the northward, accompanied by a heavy and long-continued fall of snow and sleet; blowing all round the compass, and thereby requiring every exertion and exposure on the part of the crew of so heavy a ship, to meet the emergency; and I do not hesitate to say that no class of men could have behaved better than the Indian Lascars. Great was the loss of life and shipping, both in the English and British Channels: and although our storm sails were literally blown out of the bolt ropes, we anchored in safety at Portsmouth on the 23rd of that month, without the loss of a spar, and without any injury to the ship or her equipment. Sixty of these men remained in England from February till November, 1846, without suffering from the effect of climate.

I am, my dear Sir,

Yours most faithfully,

L. Ricardo, Esq., M.P.

R. COGAN.

LETTER OF JOSHUA WILSON ON THE COMPARATIVE COST OF SHIPS  
AT DANTZIG AND SUNDERLAND.

*Sunderland, 14th of Tenth Month, 1847.*

RESPECTED FRIEND,—In answer to thy inquiry as to the comparative cost of new vessels at Sunderland and on the Continent, I have much pleasure in being able to refer thee to the evidence given before the Committee on the Navigation Laws, by the supporters of those enactments, in proof of the fact that vessels can be built much cheaper here than in Prussia.

William Phillips, in answer to question 6621, states the cost of a

new vessel at Dantzic, which, from the quality of the timber of which she is constructed, could only stand six years, A.1., at Lloyd's, to be £10. 17s. 6d. per ton.

William Richmond, in answer to questions 7919 and 7920, gives a list of prices at which vessels of various classes can be built at Sunderland, which list I may remark was furnished him by Lloyd's surveyors at this port, after consulting together on the subject; and from this list it appears, that in the year 1845, which I consider to be the year best adapted to the purpose, as an average as regards price, from the circumstance of that year being free from depression on the one hand, and undue excitement on the other, in that list a six years' ship stands at £4. per ton for the hull, and £3. for the outfit of masts, sails, cables, &c., &c., making £7. per ton ready for sea, or £3. 17s. 6d. below the price of a Dantzic ship.

J. Brunton told me that he had surveyed a Prussian ship built in 1845 for a seven years' first-class at Lloyd's, and that upon inquiring what she cost, he found upon calculation it was equal to £11. per English ton; a similar vessel on Richmond's list would cost £8. per ton at Sunderland, built in the same year.

Colquhoun, in the paper he delivered in to the Committee, appears to have made a mistake in calculating the proportion between a commercial last and a British measurement ton; he states four commercial lasts to be equal to six Prussian lasts, and considers a commercial last to be equal to three British tons. I consider Richmond to be much nearer correct, when he calculates his Prussian ship *Reciprocity*, of 300 English tons, to measure 225 Prussian or 150 commercial lasts, that is, two commercial lasts per ton. Colquhoun mentions a Lubec vessel (in page 128 of the third report), as costing there £26. 8s. per commercial last, and £8. 16s. per ton English, but £13. 4s. would be nearer correct. The real size of the vessel is best shown by the amount of cargo she really carried, which was 1280 quarters of wheat; she cost £2353. coppered and ready for sea.

A friend of mine got a vessel built here named the *Tay*; she was copper-fastened, and stood seven years on the first class at Lloyd's, which was as long as the Lubec-built vessel could stand. She carried 1346 quarters of wheat from Dantzic, or about 5 per cent. more cargo; she cost here to sea £1600.; she is not coppered, but that would cost at the outside about £200.; the relative cost will stand thus—

Lubec vessel, 89½ lasts, carries 1280 quarters, cost	£2353
Add 5 per cent.	64 5 per cent. 117
	1344 quarters £2470
Tay, 86 lasts, carries	1346 quarters cost
	coppered } 1830
Difference of cost in favour of the Sunderland ship	£670

The *Tay* measures 190 tons new, and 209 tons old measure. Another Sunderland vessel, seven years, iron fastened, cost £1600. to sea, she was 237 tons old, and 228 tons new measure, which equals £6. 15s. per ton old measure, £7. per ton new ; calculating her at 112 lasts, £14. 5s. 8d. per commercial last ; £4. 11s. per ton of dead weight tonnage, which is evidently the ton that Colquhoun had in view when he made his calculations. The captain of the *Tay*, when he was at Pillau, in Prussia, asked the price that a similar vessel to his would cost there, and was told £2200. or £600. more than she actually cost here.

Sunderland enjoys many advantages in the ship-building trade ; one great one is the superiority of her workmen, and consequent cheapness of their labour ; their energies have not been cramped by any combination amongst themselves, which appears to have done the trade so much injury in many of the other ports of this kingdom. From being a port from which there is a large export of coals, timber, and other materials can be imported here, both from different parts of this island and foreign countries, at a comparatively low rate of freight ; the new ships that are built here can take a cargo on board that will at least pay the expenses of the voyage to the port of destination. Our ship builders also possess a much greater choice of timber than foreigners do that are confined to what is grown in their own country ; they have English timber for parts of the vessel where the Baltic timber would soon rot, and timber that costs less than the Baltic would, for other portions of the vessel, where it answers an equally useful purpose, lasting as long as the more expensive timber.

I may mention, as an instance of the ability of the Sunderland shipwrights, that a gentleman told me that at his brother's yard, who is a ship-builder, eight men built a vessel of 206 tons register in twelve weeks, that is to say, they did all the shipwright work, and they began her at Christmas, and as they cannot work in the dark, they could not possibly work over-time ; they had £200. for the job, or less than £1. per ton, and made £2. per week.

A new vessel, named the *Wellington*, of 589 tons register, was launched here this year a bare hull upon a Saturday ; a rigger's crew of fifteen men began to put in the masts on the following Monday ; they had the sails bent on Tuesday night ; she sailed from here on Wednesday afternoon ; and had her sails unbent in London on the following Saturday, exactly a week after she was launched.

If any other proof be wanted that foreigners have no advantage over England in the build and navigation of ships, we have it in the fact that *when the shipping trade is depressed, and freights non-remunerative, the British shipowner is not "the first"* (to use the language of the protectionists,) *"to let his ship lie rotting in harbour, and the sailors fill the workhouse."* The contrary is notoriously the fact. In these years of depression, *the foreigner is the first to lay up his vessel.*

The Parliamentary returns prove beyond all manner of doubt, that on every recurrence of dulness in shipping, there is a great comparative decrease of foreign, and a corresponding increase of British vessels employed in the foreign trade. These depressions are thoughtlessly ascribed to foreign competition. Their effect on the foreigner shows otherwise. Again, when trade is brisk, we have a considerable increase of foreign shipping. Then we are told of the surprising increase, and asked to look at the manner in which the British shipowner is being driven out of the market by his being unprotected against this competing power of the foreigner. Leaving the protected colonial trade out of the question, we find that since the year 1824—when the loudly complained of reciprocity treaties were concluded—up to last year, the British shipowner has not only maintained his ground, but has gained four per cent. on the foreigner; who has lost as much; the increase and decrease together making eight per cent. in favour of the home trader. Really there seems no end to the fallacies of the protectionist party, who deal liberally in dogmas, and studiously seem to repudiate facts.

I remain, thine respectfully,

JOSHUA WILSON.

J. L. Ricardo, Esq., M.P.







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